

MISSOURI HOUSE OF REPRESENTATIVES

RONALD F. RICHARD, SPEAKER

**SUMMARIES OF
TRULY AGREED TO AND FINALLY PASSED BILLS**

MISSOURI GENERAL ASSEMBLY

95th GENERAL ASSEMBLY

SECOND REGULAR SESSION

2010

Prepared by House Research

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Jefferson City, Missouri 65101

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RONALD F. RICHARD
SPEAKER OF THE HOUSE
MISSOURI HOUSE OF REPRESENTATIVES

May 15, 2010

To: Members of the House of Representatives

From: Speaker Ron F. Richard

Attached are summaries of the bills Truly Agreed To and Finally Passed in the session just ended.

You will be mailed a printed booklet of the revised summaries with an index as soon as it is available.

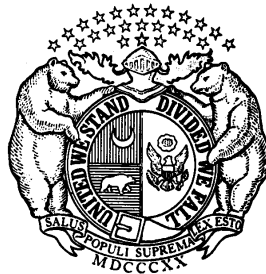
A handwritten signature in cursive script, reading "Ronald F. Richard", is positioned at the bottom of the page.

**TRULY AGREED
TO
AND FINALLY
PASSED**

HOUSE BILLS

**SECOND REGULAR SESSION
95th GENERAL ASSEMBLY**

2010



**Prepared by
House Research Staff**

FY 2011 OPERATING BUDGET SUMMARY

House <u>Bill</u>	FY 2010 Budget	FY 2011 TAFP
2001 <u>Public Debt</u>		
General Revenue	\$ 83,604,814	\$ 34,891,457
Federal Funds	0	0
Federal Stabilization	0	0
Other Funds	8,447,482	13,463,215
Total	\$ 92,052,296	\$ 48,354,672
 2002 <u>Elementary and Secondary Education</u>		
General Revenue	\$ 2,469,116,803	\$ 2,720,046,017
Federal Funds	970,980,627	997,828,378
Federal Stabilization	524,041,206	246,557,436
Other Funds	1,458,793,085	1,398,673,044
Total	\$ 5,422,931,721	\$ 5,363,104,875
FTE Total	1,746.21	1,717.26
 2003 <u>Higher Education</u>		
General Revenue	\$ 921,114,922	\$ 911,637,406
Federal Funds	6,168,003	6,168,003
Federal Stabilization	146,334,912	39,952,504
Other Funds	232,096,466	273,724,914
Total	\$ 1,305,714,303	\$ 1,231,482,827
FTE Total	75.67	75.67
 2004 <u>Revenue</u>		
General Revenue	\$ 81,169,861	\$ 71,461,586
Federal Funds	6,669,721	6,865,545
Federal Stabilization	2,571,865	0
Other Funds	345,649,948	353,363,570
Total	\$ 436,061,395	\$ 431,690,701
FTE Total	1,461.49	1,418.35
 2004 <u>Transportation</u>		
General Revenue	\$ 8,292,923	\$ 15,334,842
Federal Funds	75,123,802	75,181,950
Federal Stabilization	5,500,000	0
Other Funds	2,177,296,168	2,536,127,492
Total	\$ 2,266,212,893	\$ 2,626,644,284
FTE Total	6,616.68	6,616.68
 2005 <u>Office of Administration</u>		
General Revenue	\$ 163,643,426	\$ 149,923,090
Federal Funds	72,282,150	72,282,149
Federal Stabilization	7,455,942	528,000
Other Funds	62,231,217	63,880,818
Total	\$ 305,612,735	\$ 286,614,057
FTE Total	2,033.32	2,203.07

FY 2011 OPERATING BUDGET SUMMARY

House Bill		FY 2010 Budget	FY 2011 TAFP
2005	<u>Employee Benefits</u>		
	General Revenue	\$ 579,070,313	\$ 532,813,437
	Federal Funds	193,301,281	196,247,991
	Federal Stabilization	12,422,975	0
	Other Funds	170,394,165	170,627,563
	Total	\$ 955,188,734	\$ 899,688,991
2006	<u>Agriculture</u>		
	General Revenue	\$ 9,907,564	\$ 22,847,496
	Federal Funds	3,598,225	4,317,568
	Federal Stabilization	37,515,000	0
	Other Funds	14,121,325	14,518,318
	Total	\$ 65,142,114	\$ 41,683,382
	FTE Total	391.06	393.31
2006	<u>Natural Resources</u>		
	General Revenue	\$ 12,053,568	\$ 9,038,406
	Federal Funds	42,629,014	44,426,749
	Federal Stabilization	730,364	0
	Other Funds	262,445,420	256,815,232
	Total	\$ 317,858,366	\$ 310,280,387
	FTE Total	1,795.56	1,782.06
2006	<u>Conservation</u>		
	General Revenue	\$ 0	\$ 0
	Federal Funds	0	0
	Federal Stabilization	0	0
	Other Funds	145,534,841	145,534,841
	Total	\$ 145,534,841	\$ 145,534,841
	FTE Total	1,843.81	1,843.81
2007	<u>Economic Development</u>		
	General Revenue	\$ 55,133,360	\$ 38,882,809
	Federal Funds	198,991,112	164,142,199
	Federal Stabilization	18,565,679	0
	Other Funds	65,357,654	53,752,363
	Total	\$ 338,047,805	\$ 256,777,371
	FTE Total	976.37	967.37
2007	<u>Insurance, Financial Institutions, and Professional Registration</u>		
	General Revenue	\$ 0	\$ 0
	Federal Funds	700,000	1,700,000
	Federal Stabilization	0	0
	Other Funds	35,958,839	36,439,040
	Total	\$ 36,658,839	\$ 38,139,040
	FTE Total	545.15	550.15

FY 2011 OPERATING BUDGET SUMMARY

House Bill		FY 2010 Budget	FY 2011 TAFP
2007	<u>Labor and Industrial Relations</u>		
	General Revenue	\$ 2,254,942	\$ 1,982,423
	Federal Funds	47,167,731	47,950,558
	Federal Stabilization	0	0
	Other Funds	81,555,533	62,803,852
	Total	\$ 130,978,206	\$ 112,736,833
	FTE Total	831.86	830.86
2008	<u>Public Safety</u>		
	General Revenue	\$ 66,264,818	\$ 54,268,676
	Federal Funds	130,479,901	113,090,687
	Federal Stabilization	1,074,325	0
	Other Funds	313,895,137	356,463,182
	Total	\$ 511,714,181	\$ 523,822,545
	FTE Total	5,032.78	4,973.91
2009	<u>Corrections</u>		
	General Revenue	\$ 604,146,521	\$ 593,435,940
	Federal Funds	6,841,995	10,434,834
	Federal Stabilization	750,000	0
	Other Funds	52,824,936	56,163,438
	Total	\$ 664,563,452	\$ 660,034,212
	FTE Total	11,323.99	11,151.85
2010	<u>Mental Health</u>		
	General Revenue	\$ 594,823,914	\$ 575,426,388
	Federal Funds	568,563,321	578,775,972
	Federal Stabilization	5,891,995	0
	Other Funds	42,271,054	44,827,524
	Total	\$ 1,211,550,284	\$ 1,199,029,884
	FTE Total	8,291.79	7,873.94
2010	<u>Health</u>		
	General Revenue	\$ 247,247,017	\$ 247,405,720
	Federal Funds	619,002,497	647,854,155
	Federal Stabilization	2,027,500	0
	Other Funds	24,275,597	25,644,597
	Total	\$ 892,552,611	\$ 920,904,472
	FTE Total	1,893.77	1,833.65
2011	<u>Social Services</u>		
	General Revenue	\$ 1,516,013,903	\$ 1,458,352,466
	Federal Funds	3,998,634,263	4,011,581,216
	Federal Stabilization	2,587,500	0
	Other Funds	1,945,406,004	2,186,658,673
	Total	\$ 7,462,641,670	\$ 7,656,592,355
	FTE Total	8,093.20	7,759.68

FY 2011 OPERATING BUDGET SUMMARY

House <u>Bill</u>	FY 2010 Budget	FY 2011 TAFP
2012 <u>Elected Officials</u>		
General Revenue	\$ 48,189,352	\$ 45,840,381
Federal Funds	23,621,404	22,484,598
Federal Stabilization	1,100,000	0
Other Funds	45,512,192	43,993,721
Total	\$ 118,422,948	\$ 112,318,700
FTE Total	987.02	992.02
 2012 <u>Judiciary</u>		
General Revenue	\$ 162,749,121	\$ 169,074,144
Federal Funds	10,408,187	10,408,187
Federal Stabilization	6,647,949	0
Other Funds	10,292,941	10,292,942
Total	\$ 190,098,198	\$ 189,775,273
FTE Total	3,406.05	3,406.05
 2012 <u>Public Defender</u>		
General Revenue	\$ 34,207,100	\$ 34,707,100
Federal Funds	125,000	125,000
Federal Stabilization	0	0
Other Funds	2,980,263	2,980,263
Total	\$ 37,312,363	\$ 37,812,363
FTE Total	572.13	572.13
 2012 <u>General Assembly</u>		
General Revenue	\$ 34,373,472	\$ 33,213,211
Federal Funds	0	0
Federal Stabilization	344,597	0
Other Funds	292,255	292,255
Total	\$ 35,010,324	\$ 33,505,466
FTE Total	711.34	688.17
 2013 <u>Statewide Leasing</u>		
General Revenue	\$ 108,829,275	\$ 112,267,504
Federal Funds	23,507,968	23,195,547
Federal Stabilization	0	0
Other Funds	13,099,626	12,931,904
Total	\$ 145,436,869	\$ 148,394,955

FY 2011 OPERATING BUDGET SUMMARY

House <u>Bill</u>	FY 2010 Budget	FY 2011 TAFP
<u>Total Operating Budget</u>		
General Revenue	\$ 7,802,206,989	\$ 7,832,850,499
Federal Funds	6,998,796,202	7,035,061,286
Federal Stabilization	775,561,809	287,037,940
Other Funds	7,510,732,148	8,119,972,761
Total	\$ <u>23,087,297,148</u>	\$ <u>23,274,922,486</u>
FTE Total	58,629.25	57,649.99
 2014 <u>Supplementals - Operating</u>		
General Revenue		\$ 86,168,682
Federal Funds		153,173,205
Federal Stabilization		108,564,833
Other Funds		<u>44,138,435</u>
Total		\$ 392,045,155
FTE Total		6.25
 2016 <u>Federal Stimulus Reappropriations</u>		
Appropriations unexpended balances as of June 30, 2010, for capital improvements previously authorized in other appropriations		

HB 1270 -- CHILDREN'S SPECIAL HEALTH CARE NEEDS SERVICE

This bill changes the name of the Crippled Children's Service, within the Department of Health and Senior Services, to the Children's Special Health Care Needs Service; renames the Crippled Children's Service Fund as the Children's Special Health Care Needs Service Fund; and specifies that the services are for a child who has a physical disability or special health care need.

CCS SCS HCS HB 1311 & 1341 -- HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS

This bill establishes provisions regarding health insurance coverage for individuals diagnosed with autism spectrum disorders (ASD). In its main provisions, the bill:

- (1) Establishes the Behavior Analyst Advisory Board under the State Committee of Psychologists within the Department of Insurance, Financial Institutions and Professional Registration to establish licensure requirements for behavior analysts and assistant behavior analysts who provide applied behavior analysis therapies to children with ASD;
- (2) Requires all group health benefit plans that are delivered, issued, continued, or renewed on or after January 1, 2011, written inside or outside the state, to provide coverage for the diagnosis and treatment of ASD;
- (3) Prohibits a carrier from denying or refusing to issue insurance coverage on, refusing to contract with, refusing to renew or reissue coverage on, or terminating or restricting coverage on an individual or his or her dependent because the individual is diagnosed with ASD;
- (4) Limits the coverage provided by an insurance carrier for ASD to medically necessary treatment that is ordered by the insured individual's licensed treating physician or psychologist in accordance with a treatment plan. An ASD treatment plan must include all elements necessary for a health benefit plan or carrier to pay the claim. Except for inpatient services, the health carrier must have the right to review, at its expense, the treatment plan not more than once every six months unless the individual's treating physician or psychologist agrees that a more frequent review is necessary;
- (5) Specifies that coverage for individuals younger than 19 years of age for applied behavior analysis (ABA) services will

have a maximum benefit of \$40,000 per year adjusted annually, beginning January 1, 2012, for inflation based on the increase in the federal Consumer Price Index as calculated by the Director of the Department of Insurance, Financial Institutions and Professional Registration with no limit on the number of visits to an ASD service provider. However, the maximum limit may be exceeded, upon prior approval by the health benefit plan, if the additional service is medically necessary. Coverage of services may be subject to general exclusions and limitations of the contract or benefit plan including coordination of benefits, services provided by family members, and utilization review of health care services but cannot be denied on the basis that it is educational or habilitative in nature;

(6) Prohibits ASD services from being subject to any greater deductible, co-insurance, or co-payment than other physical health care services provided by the health benefit plan. Payments and reimbursements for ABA services can only be made to the ASD service provider or the entity or group for whom the supervising board certified behavior analyst works or is associated;

(7) Requires ABA services provided by a line therapist under the supervision of a state-licensed ASD provider to be reimbursed to the provider if the services are included in the treatment plan and are deemed medically necessary;

(8) Specifies that a health carrier will not be liable for the actions of a line therapist in the performance of his or her duties;

(9) Requires these provisions to apply to any health care plan issued to employees and their dependents under the Missouri Consolidated Health Care Plan that is delivered, issued, continued, or renewed on or after January 1, 2011. These provisions also apply to plans that are established, extended, modified, or renewed on or after January 1, 2011, by self-insured governmental plans, self-insured group arrangements, multiple employer welfare arrangements, and self-insured school district health plans;

(10) Exempts the MO HealthNet Program and supplemental insurance policies from the provisions of the bill;

(11) Specifies that a health carrier is not required to reimburse for ABA services provided by any Part C Early Intervention Program, commonly known as First Steps, or any school district to an individual diagnosed with ASD and covered by the carrier;

(12) Requires the department director to grant a small employer who offers a group health plan a waiver from offering ASD coverage if the employer demonstrates by actual claims experience over any consecutive 12-month period that the cost of providing the coverage has resulted in at least a 2.5% increase in health plan premium costs to the employer over a calendar year; and

(13) Requires, beginning February 1, 2012, the department to submit an annual report to the General Assembly regarding the implementation of the coverage and specified cost analysis data for ASD service claims from health insurers.

SCS HCS HB 1316 -- PROPERTY TAXES

This bill changes the laws regarding the collection of property taxes and the assessment of property. In its main provisions, the bill:

(1) Changes the laws regarding the sale of real property for the collection of delinquent taxes. A county collector is required to send up to three notices to the publicly recorded owner of record of the real property prior to the publishing of a tax sale with the first notice being by first class mail. A collector of revenue or other collection authority may refuse to accept a delinquent tax payment submitted without a copy of the tax statement. If the county collector determines that an adequate legal description of tax sale property cannot be obtained from documents available through the recorder of deeds, the collector may commission a professional land surveyor to prepare an adequate legal description of the property. The certificate of purchase will be conveyed to an agent if the purchaser is a nonresident, and the agent must convey the property to the nonresident. The highest bid at a sale on the third successive year must be at least equal to the sum of the delinquent taxes, interest, penalties, and costs as it is required when it was initially offered and at the second successive year it was offered. After the third offering, the collector's deed or trustee's deed will have priority over all the other liens or encumbrances on the property sold except for real property taxes. Within 120 days prior to receiving a collector's deed, a tax sale purchaser must obtain a title search report from a licensed attorney or title company detailing the ownership and encumbrances on the property (Sections 32.230, 139.040, 140.110, 140.150, 140.170, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, and 140.420, RSMo);

(2) Specifies that in counties adopting a charter form of government after January 1, 2008, the county collector will

continue to collect a 7% fee for the collection of delinquent and back taxes if provided for by the charter. Currently, this only applies to Jefferson County (Section 52.290);

(3) Specifies that a county adopting a charter form of government after January 1, 2008, will continue to have a tax maintenance fund. Currently, this only applies to Jefferson County (Sections 52.290 and 52.312);

(4) Authorizes counties of the first and second classification to collect and disburse property taxes using electronic records (Sections 52.361 and 52.370);

(5) Specifies that the county collector-treasurer will assume all duties, compensation, fee schedules, and requirements of the collector-treasurer if a county of the third or fourth classification abolishes its township form of government or a county collector becomes a collector-treasurer (Section 54.010);

(6) Requires county auditors in first and second classification counties to have access to all records for county-issued licenses and to receive a monthly listing of the licenses issued with the specified related information from each county office issuing the licenses. Currently, these county auditors are required to countersign all county-issued licenses and keep a record of them (Section 55.140);

(7) Requires county collectors in first and second classification counties to file with the county clerk and auditor by the fifteenth day of each month a detailed statement, verified by affidavit, of all taxes and license fees collected during the preceding month and to disburse those funds, less commissions, to the appropriate taxing entities and the Director of the Department of Revenue. Taxing authorities are required to request notification of current taxes paid under protest by February 1, and county collectors must provide the information by March 1 (Sections 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071);

(8) Changes the deadline from September 1 to October 1 for charter counties and the City of St. Louis to set ad valorem property tax rates (Sections 67.100 and 134.243);

(9) Increases the monthly interest rate charged from 1% to 2%, increases the maximum annual interest rate from 10% to 18%, and repeals the prime rate limitation on the interest rate for delinquent property taxes in the City of St. Louis (Sections 92.715, 140.100, and 141.830);

(10) Requires all assessors in counties without a charter form of government and Jefferson County to give property owners additional information with the notice of increased assessed valuation instead of giving taxpayers a projected tax liability notice with the notice of increased assessed valuation beginning January 1, 2011. Beginning January 1 of the year following receipt of the software, assessors in all counties without a charter form of government and Jefferson County must give taxpayers a projected tax liability notice with the notice of increased assessed valuation. Beginning January 1, 2011, in St. Louis County, the assessor must provide taxpayers with a notice that information regarding the assessment method and computation of value for real property is available on the assessor's web site, the web site address, and the assessor's contact information so taxpayers without Internet access can request and receive the information (Sections 137.180 and 137.355);

(11) Authorizes each party to an appeal that is scheduled to be heard before the State Tax Commission to request one change of the assigned hearing officer by filing a written application to disqualify the officer within 30 days of the assignment (Section 138.431);

(12) Authorizes the establishment of the Kansas City Zoological District which may be composed of the counties of Cass, Clay, Jackson, and Platte at the option of the voters of each county. Each member county may impose, upon voter approval, a sales tax of up to one-quarter of 1% for the financial support of zoological activities within the district (Sections 184.500 - 184.512);

(13) Changes the laws regarding the compromise of taxes and penalties for properties subject to certain actions as abandoned property in Jackson County (Section 141.535); and

(14) Specifies that the provisions of Section 262.802 regarding the abeyance of water and sewer assessments for certain farmland property will not apply to any drainage district or levee district established under state law (Section 246.310).

HB 1340 -- SALES TAX FOR DOUGLAS COUNTY FIRE PROTECTION DISTRICTS

This bill repeals the authorization for the governing body of any fire protection district in Douglas County to impose a sales tax of up to 1% for operational costs if the district reduces its property tax levy annually by 50% of the previous year's sales tax revenue.

SCS HCS HB 1375 -- CERTAIN SEXUALLY TRANSMITTED DISEASES

This bill changes the laws regarding sexually transmitted diseases.

The Department of Health and Senior Services is required to develop an informational brochure relating to the connection between human papillomavirus (HPV) and cervical cancer and that an immunization against the infection is available. The department must make the brochure available on its web site and must notify each public school district of the availability of the brochure and that it must be provided directly to parents as the district deems appropriate. The brochure cannot be directly distributed to students.

EXPEDITED PARTNER THERAPY

A licensed physician is allowed to use expedited partner therapy under certain conditions by dispensing and prescribing medications for the partner of a person diagnosed with certain sexually transmitted diseases even when there is no existing physician/patient relationship. The physician must provide an explanation and guidance to the patient on the preventative measures that can be taken to stop the spread of the disease. A physician using expedited partner therapy will be immune from civil liability unless the action is negligent, reckless, in bad faith, or with malicious purpose.

SCS HB 1392 -- PROPERTY TAX RATES

This bill changes the laws regarding property tax rates. In its main provisions, the bill:

- (1) Changes the deadline from September 1 to October 1 for charter counties and the City of St. Louis to set ad valorem property tax rates;
- (2) Requires fire protection districts in charter counties and the City of St. Louis to certify their property tax rates by October 1. All other fire districts must certify their rates by September 1; and
- (3) Authorizes each party to an appeal that is scheduled to be heard before the State Tax Commission to request one change of the assigned hearing officer by filing a written application to disqualify the officer within 30 days of the assignment.

CCS SS HCS HB 1408 & 1514 -- INTEREST ON OVERPAYMENTS OF INCOME TAXES

This bill changes the time period before interest is paid on an overpayment of individual income tax from four months to 90 days after the last date to file a return, including an extension, or the date the return was filed, whichever is later.

CCS SS SCS HB 1442 -- LOCAL TAXES

This bill changes the laws regarding local taxes. In its main provisions, the bill:

- (1) Authorizes the City of Jefferson City to impose, upon voter approval, a transient guest tax of up to 7% per occupied room per night for promoting the city as a convention, visitor, and tourist center. Currently, the city is allowed to impose a tax of up to 5% per occupied room per night;
- (2) Authorized the cities of North Kansas City and Grandview to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night;
- (3) Authorizes the cities of Ashland and Sugar Creek and Montgomery County to impose, upon voter approval, a transient guest tax of between 2% and 5% per occupied room per night for the promotion of tourism;
- (4) Allows the City of St. Joseph and Buchanan County to also use transient guest tax revenue for capital expenditures related to the promotion of tourism and convention facilities. Currently, the tax revenue may only be used for the promotion of tourism and convention facilities;
- (5) Authorizes the City of St. Joseph to contract with Buchanan County to share transient guest tax revenues to promote tourism and for the construction, maintenance, and improvement of a convention center and recreational facilities;
- (6) Clarifies that certain purchases made for resale are not to be considered as retail for sales and use tax purposes when the subsequent sale is taxed in the state or another state, is for resale, is excluded from tax, is subject to tax but is exempt, or is exempt in another state where the subsequent sale occurs;
- (7) Clarifies that operators of amusement parks and places of entertainment or recreation, including games or athletic events,

must charge sales taxes on the amount of gross receipts charged for admission, but any subsequent sale of the admissions or seating accommodations will not be subject to the taxes if it was an arms length transaction for fair market value with an unaffiliated entity and clarifies that operators of hotels, motels, taverns, restaurants, drugstores, dining cars, tourist camps, or similar businesses must charge sales taxes on the amount of gross receipts charged for all rooms, meals, and drinks furnished at the establishment, but any subsequent sale of those same rooms, meals, and drinks is exempt from sales and use taxes if it was an arms length transaction for fair market value with an unaffiliated entity;

(8) Authorizes a state and local sales and use tax exemption for any sale of utilities at cost by a sports complex authority which is ultimately consumed in the operation of a sports complex leased to a professional sports team;

(9) Authorizes the cities of Peculiar and Blue Springs to impose, upon voter approval, a sales tax of up to .05% to fund public safety improvements. The City of Grandview may also impose, upon voter approval, an identical tax that may include employment expenditures and facility construction for fire, police, and emergency medical services;

(10) Authorized the City of Waynesville to impose, upon voter approval, a transient guest tax of up to 3% per occupied room per night for the construction, maintenance, and repair of a multipurpose conference and convention center;

(11) Allows voters of any city, town, or village to impose a one-fourth of one cent on each \$100 valuation property tax to fund cemetery maintenance;

(12) Authorizes Carter County to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night with 50% of the proceeds to fund law enforcement and 50% to fund tourism;

(13) Authorized the City of Raytown to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night for the promotion, operation, and development of tourism and convention facilities;

(14) Allows one change of a hearing officer for each party to an appeal heard by the State Tax Commission. A written application will suffice to disqualify the officer. An officer is deemed assigned once he or she signs a scheduling order unless otherwise stated in the order;

(15) Provides a mechanism for cities to abolish taxes with a 90-day notice to the Department of Revenue. Procedures are specified in the bill; and

(16) Removes the amount charged by a travel agent or an intermediary from all hotel or motel local transient guest taxes or local occupancy taxes.

The bill contains an emergency clause for the provisions clarifying sales that are not to be considered as retail for sales and use tax purposes and for the provisions clarifying when certain operators must charge sales taxes.

SCS HB 1444 -- NOTICE REQUIREMENTS FOR CERTAIN PUBLIC MEETINGS

This bill requires the governing body of any county, city, town, or village or any entity created by these political subdivisions to give notice four business days prior to voting and hold a public meeting to allow public comment on an issue involving the implementation of a tax increase, a retail development project which utilizes the power of eminent domain, creation of a transportation development or community improvement district, or the approval of a redevelopment plan that pledges public funds as financing for the project or plan. If proper notice is not given, no vote can be taken until the proper notice has been given. Any legal action challenging the notice requirements must be filed within 30 days or the meeting will be deemed to have been properly noticed and held. These provisions will not apply to any votes or discussions related to proposed ordinances that require a minimum of two separate readings on different days for passage; and a tax increase under these provisions will not include the setting of the annual tax rates under Sections 67.110 and 137.055, RSMo.

HCS#2 HB 1472 -- CONTROLLED SUBSTANCES

This bill changes the laws regarding the designation of controlled substances. In its main provisions, the bill:

(1) Adds the following to the list of Schedule I:

(a) 1-pentyl-3-(1-naphthoyl)indole, commonly known as K2;

(b) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, commonly known as HU211;

(c) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of isomers;

(d) Phenol, CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n=4,6, or 7; and

(e) 1-butyl-3(1-naphthoyl)indole;

(2) Adds the following to the list of Schedule II:

(a) Any material, compound, mixture, or preparation which contains any quantity of amyl nitrite or butyl nitrate; and

(b) Tapentadol;

(3) Adds the following to the list of Schedule III:

(a) Boldione;

(b) Dexoxymethyltestosterone; and

(c) 19-nor-4,9(10)-androstadienedione;

(4) Adds Fospropofol to the list of Schedule IV;

(5) Adds the following to the list of Schedule V:

(a) Lacosamide; and

(b) Pregabalin; and

(6) Specifies that any person who possesses a controlled substance of more than 35 grams of Dexanabinol, (6aS, 10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, Indole, or 1-butyl-3(1-naphthoyl)indole, Indole, or 1-pentyl-3(1-naphthoyl)indole, and Phenol, CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n=4,6, or 7 will be guilty of a class C felony, and any person possessing less than 35 grams of any one of these substances will be guilty of a class A misdemeanor.

HCS HB 1498 -- PAYMENT OF HEALTH INSURANCE CLAIMS

This bill changes the laws regarding the payment of health insurance claims. In its main provisions, the bill:

(1) Requires health insurance carriers, including third-party contractors, to send an electronic acknowledgment of the date of receipt within 48 hours after an electronically filed health care claim is received;

(2) Increases the period of time, from within 10 working days to within 30 processing days, that a carrier or third-party contractor has to send an electronic or facsimile notice of the status of a health care claim that notifies the claimant whether the filed claim has any reason which will prevent timely payment or if more information is required. If the claim is properly filed, the carrier must pay or deny the claim;

(3) Requires a carrier to notify the health care provider, electronically or by fax, within 10 processing days, instead of the current 15 days, upon receiving the requested additional information from the provider to pay the claim, deny all or part of the claim specifying the reason, or make a final request for additional information. If the provider submits the additional information, the carrier must pay or deny the claim within five processing days, instead of the current 15 days, of receiving the additional information;

(4) Adds a penalty equal to 1% of the total claim amount per day on unpaid claims if a carrier has not paid a claimant within 45 processing days of receiving the claim;

(5) Increases the amount at which a carrier can combine interest and payments on unpaid claims from \$5 to \$100. Claims that were properly denied prior to the forty-fifth processing day will not be subject to interest or penalties;

(6) Repeals the current penalty imposed on carriers that do not take the required action within 40 processing days;

(7) Specifies that a claim for which a carrier has not communicated a specific reason for the denial of payment cannot be considered denied; and

(8) Changes the requirements a carrier must follow when requesting the documentation and additional information that is necessary to process all of a claim.

The bill becomes effective January 1, 2011.

SCS HCS HB 1516 -- REPEAL OF EXPIRED STATUTES

This bill repeals various expired provisions in the Revised Statutes of Missouri as identified in the January 2010 Annual Report of the Joint Committee on Legislative Research on Laws Which Expire, Sunset, Terminate, or Become Ineffective.

SCS HCS HB 1524 & 2260 -- VETERANS AND MEMBERS OF THE MILITARY

This bill changes the laws regarding veterans and members of the military and establishes the Missouri Youth Challenge Academy. In its main provisions, the bill:

(1) Requires all agencies and political subdivisions of this state to give a three-point bonus preference to a service-disabled veteran business operating as a Missouri business when letting a contract for the performance of any job or service. Currently, they must give preference to a disabled veteran business if the quality of performance is equal or better and the price quoted is the same or less. If there is an insufficient number of veteran businesses or none that submits a bid or proposal for a contract, the provision requiring the Commissioner of the Office of Administration to have a goal of 3% of all contracts to be let to service-disabled veteran businesses will not apply;

(2) Specifies that the State of Missouri recognizes the designations of Prisoner of War (POW) and Missing in Action (MIA) as valid descriptions of casualty status and category classification for military personnel;

(3) Defines "primary next of kin" as, in order of precedence, a surviving spouse, eldest child, father or mother, eldest brother or sister, or eldest grandchild as it relates to the Uniform Code of Military Justice;

(4) Allows the Adjutant General to establish the Missouri Youth Challenge Academy for at-risk high school age youth. The residential military-based academy will provide work experience and training in life skills, citizenship, life-coping and academic skills, and other personal development skills. The Missouri Youth Challenge Foundation Fund is created consisting of gifts, donations, appropriations, transfers, and bequests. The Adjutant General is authorized to make grants from the fund to support the academy;

(5) Allows a sergeant major from the National Guard and a reserve unit to serve on the panel of the Missouri Military

Family Relief Fund. Currently, only a command sergeants major of the guard and a command sergeants major of a reserve unit can be members of the panel;

(6) Authorizes the Governor, upon the recommendation of the Adjutant General, to present:

(a) A Legion of Merit Medal to individuals who have exceptionally meritorious conduct in the performance of outstanding military service and achievement reflecting honorably and creditably upon the state;

(b) A campaign ribbon to individuals who have served in direct support of several military campaigns. The ribbons include a Missouri Iraq Campaign Ribbon, a Missouri Afghanistan Campaign Ribbon, a Missouri Kosovo Campaign Ribbon, and a Missouri Vietnam Campaign Ribbon; and

(c) The Governor's Unit Citation to a unit, team, or task force of the Missouri National Guard which served after September 11, 2001, during state emergency duty or a federal deployment with outstanding honor and distinction;

(7) Authorizes the Adjutant General to present:

(a) A Missouri Adjutant General Staff Identification Badge to an individual based on demonstrated outstanding performance of duty; and

(b) The Missouri National Guard First Sergeant Ribbon to an individual who has been a first sergeant for three years and has been recommended by his or her squadron or company for having demonstrated exceptional and honorable leadership qualities and dedication as a first sergeant;

(8) Requires the Secretary of State to establish procedures for absent uniformed services and overseas voters to request voter registration applications and absentee ballot applications. At least one form of electronic communication for use by absent uniformed services and overseas voters must be designated for requesting voter registration applications and absentee ballots. These voters may request and designate a preferred method of electronic transmission of these applications and ballots or request receipt by mail. The Secretary of State must also develop, in coordination with local election authorities, a free access system by which these voters may determine whether an absentee ballot has been received by the appropriate election authority. A sufficient quantity of paper ballots for federal elections must be printed and available for these voters within 45 days prior to the election, and the election authority must

begin transmitting the ballots to these voters who have submitted an absentee ballot application. Registration applications and paper ballots cannot be rejected by an election authority because of any restriction on the paper or envelope type. Missouri is required to use the special write-in absentee ballot provided in Section 115.292, RSMo, for all elections for federal office as authorized by federal law;

(9) Adds a dependent of a retired military member who relocates to Missouri within one year of the date of his or her parent's retirement from active duty to the three-year attendance exemption requirement for the A+ Schools Program;

(10) Adds a person designated by an active duty military member on the United States Department of Defense Form 93, Record of Emergency Data, to the term next-of-kin as it relates to the common law right of sepulcher in choosing and controlling the final disposition of a person who died while on active duty;

(11) Allows for a special license plate designated "LEGION OF MERIT" bearing an image of the Legion of Merit Medal for any person who has been awarded this military service award. To obtain this plate, a person must make application, furnish proof as a recipient of the Legion of Merit Medal, and pay a fee equal to the fee charged for personalized license plates to the Department of Revenue in addition to the registration fee and any other documents required by law; and

(12) Requires the State Treasurer upon receiving a military medal to hold and maintain it until the original owner or his or her heirs or beneficiaries can be found. The State Treasurer may designate a veteran's organization or other appropriate organization as custodian of a medal until the owner or his or her heirs or beneficiaries are located.

The bill contains an emergency clause for the provisions regarding the Missouri Youth Challenge Academy.

HCS HB 1540 -- INFRACTIONS

This bill increases the penalty for certain traffic violations from an infraction to a class C misdemeanor. Any person operating a commercial vehicle in violation of Section 307.400, RSMo, will be guilty of a class B misdemeanor.

Beginning January 1, 2012, the bill requires the judicial procedure for an infraction to be the same as for a misdemeanor. If a defendant fails to appear in court solely for an infraction

or for an infraction committed in the same course of conduct as a criminal offense or fails to respond to a notice of an infraction from the Central Violations Bureau, the court may issue a default judgment for court costs and fines for the infraction unless the court determines that good cause or excusable neglect exists for the defendant's failure to appear. A court may issue a warrant for failure to appear for any violation which is classified as an infraction.

The bill repeals and re-enacts provisions requiring a person to obey any signals or directions given by a law enforcement officer while traveling on a road when the officer is enforcing any infraction. Any person who refuses to obey any signal or direction or who willfully resists a law enforcement officer who is in the course of enforcing any infraction will be guilty of a class A misdemeanor.

The bill contains an emergency clause for the provisions regarding judicial procedures for infractions and obeying signals or directions of a law enforcement officer while traveling on a road.

CCS SS#2 SCS HCS#2 HB 1543 -- ELEMENTARY AND SECONDARY EDUCATION

This bill changes the laws regarding elementary and secondary education. In its main provisions, the bill:

- (1) Expands the reporting of acts of violence to include all teachers at the student's school building and other employees who need to know;
- (2) Specifies that a suspended student who is not allowed on school property without specific permission is also prohibited from attending school events occurring off school property;
- (3) Expands employee immunity from following established discipline policies to include policies of student discipline;
- (4) Adds the use of reasonable force to protect persons or property by school district personnel to the provisions regarding spanking. Neither act is to be considered as abuse that would be investigated by the Children's Division within the Department of Social Services as long as the spanking or use of force does not give rise to an allegation of sexual misconduct and another employee is present as a witness at the spanking;

(5) Adds "cyberbullying" and electronic communications to the list of required elements for school district anti-bullying policies;

(6) Specifies that in fiscal years 2011 to 2103 the Department of Elementary and Secondary Education cannot penalize a school district on its Missouri School Improvement Program accreditation review for failing to achieve resource standards if the school funding formula or transportation categorical is underfunded as specified and the district cannot be penalized in the following fiscal year if the Governor withholds funds;

(7) Requires the Office of Administration to issue regulations for the contractors or subcontractors on public works construction projects at public schools which requires these contractors to establish a drug and alcohol random testing program. Any program must be administered by a certified laboratory and must require notification to the employer and employee of the results of any positive drug and alcohol test. The school district must be notified of the action to protect the safety of the students as a result of a positive test. The employer will pay for the costs;

(8) Specifies that in fiscal years 2011 to 2013 the requirement for school districts to dedicate 1% of their formula funding to professional development and the 75% funding and fund placement requirements for teacher salaries will be suspended if the school funding formula or transportation categorical is underfunded as specified or will be suspended in the following fiscal year if the Governor withholds funds;

(9) Allows all public school districts to require a school uniform or restrict student dress. Currently, these provisions require only the St. Louis City School District to consider adopting a school uniform;

(10) Exempts unqualified employees who refuse to administer medication or medical services from disciplinary action for the refusal;

(11) Exempts qualified employees from any civil liability for administering medication or medical services, including cardiopulmonary resuscitation and other lifesaving methods, in good faith and according to standard medical practices;

(12) Specifies that a student must be allowed to self-administer medication for any chronic health condition;

(13) Adds other school employees trained and supervised by the school nurse to the list of individuals who are authorized to use

an epinephrine auto-syringe on a student and specifies that these employees will be immune from civil liability when done in good faith and according to standard medical practices;

(14) Removes the requirement but allows the General Assembly to make an annual appropriation to the Missouri Career Development and Teacher Excellence Plan, commonly known as the Career Ladder Program. Beginning in Fiscal Year 2012, the state portion of career ladder payments will only be made available to school districts if an appropriation is made. Any state appropriation must be made prospectively in relation to the year in which work under the program is performed. A school district may fund the program for its teachers for work performed in years for which no state appropriation is made available. The variable match formula of the program is removed, and the payment must be on a matching basis with 60% local funding and 40% state funding;

(15) Allows the special administrative board when it has been granted governing powers for a district in the City of St. Louis School District to appoint a hearing officer to conduct a contested case of a teacher's dismissal; and

(16) Removes the provision which specifies that no fees can be charged for Parents as Teachers services, clarifies that families with children younger than the kindergarten entry age will be eligible to receive specified services, requires priority to be given to high-needs families according to department criteria, and allows school districts to establish cost-sharing strategies for these services.

The provisions regarding the Parents as Teachers Program will expire December 31, 2015.

The provisions regarding the suspension of the school district fund use and placement will become effective upon passage and approval or July 1, whichever occurs later.

SCS HCS HB 1544 -- UNEMPLOYMENT COMPENSATION AND SHARED WORK BENEFITS

This bill extends the state's eligibility to receive federal extended unemployment benefit money to provide unemployed individuals compensation beyond the current unemployment benefit period that ended December 5, 2009. The state is eligible to receive this money until March 3, 2011, or the week ending four weeks prior to the last week of unemployment for which 100% federal sharing is available under the provisions of Public Law 111-5, Section 2005(a), whichever occurs first.

The bill also increases, from 26 to 52, the number of weeks an individual is eligible to receive shared work benefits under the Shared Work Unemployment Compensation Program in the Division of Employment Security within the Department of Labor and Industrial Relations.

The bill contains an emergency clause.

HB 1559 -- CONSOLIDATED PUBLIC LIBRARY DISTRICT REPORTS

Currently, the librarian of a consolidated public library district is required to submit an annual report on the condition of the library and its services for the preceding fiscal year to the district board by August 31, and the board is required to submit this report and an independent audit to the county commission, county executive officers, and the Missouri State Library by September 30 of each year. This bill changes the due dates to September 30 and October 31, respectively.

HB 1595 -- INDUSTRIAL DEVELOPMENT CORPORATIONS

This bill revises the definition of "project" as it relates to industrial development corporations to include the construction, extension, and improvement of public roads.

SCS HB 1612 -- COMMON SEWER DISTRICTS

This bill changes the laws regarding common sewer districts. In its main provisions, the bill:

- (1) Allows a majority of the remaining members in office on the board of trustees of a common sewer district to fill a vacancy on the board if the county governing body fails to fill the vacancy within 60 days of receiving written notice of the vacancy. Trustees of a common sewer district may also appoint a member to a sewer subdistrict's advisory board if a vacancy is not filled by a county or political subdivision within 60 days of receiving a written request from the district;
- (2) Increases, from eight to 10, the number of members on the sewer district boards of trustees in the counties of Cass and Jackson. Each board will consist of the county executive, mayors of the five largest-user cities, mayors of three other cities who are members of the sewer district advisory board, and one member

of the county legislature. In the event the district extends its boundaries into a bordering county, the presiding commissioner or county executive of the bordering county will become the eleventh member of the board;

(3) Authorizes a sewer district in a third classification county to develop an agreement with a city to provide sewer service in annexed areas of the district that were not receiving sewer service at the time of annexation. Currently, the City of Poplar Bluff and sewer districts in Butler County are authorized to develop agreements to provide sewer services;

(4) Allows a board member to serve in multiple positions on a common sewer subdistrict advisory board if the board consists of less than three members; and

(5) Authorizes a sewer district to establish and collect charges for sewer services including tap-on fees and requires private water companies and public water supply districts to provide water service data at a reasonable charge upon a reasonable request to a sewer district in order to calculate the rates for service. Currently, water supply districts are required to provide this data to cities, towns, and villages.

HB 1643 -- COUNTY RECORDERS OF DEEDS

This bill changes the laws regarding certain documents recorded with the county recorder of deeds. In its main provisions, the bill:

(1) Authorizes the recorder of deeds in Jackson County to collect a \$1 donation over and above any required fees charged for recording or providing a certified copy of a marriage license or birth certificate. Moneys collected will be deposited into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in the county. The recorder must provide a check-off box for the donation on any required form;

(2) Requires a request for records filed or recorded by the county recorder of deeds dated after December 31, 1969, to be made to the office in which the record was originally recorded; and

(3) Changes the method by which notice of a mechanics lien on real property of an absent or nonresident owner may be given and requires an applicable recording fee.

HB 1654 -- GARNISHMENTS AND WRITS OF SEQUESTRATION

This bill requires a notice of garnishment and a writ of sequestration to contain only the last four digits of a person's Social Security number instead of the full number.

HB 1662 -- DISEASED ANIMALS

This bill specifies that any animal or bird under investigation by the State Veterinarian for carrying a toxin must not be removed from the premises until certain specified actions have taken place. The State Veterinarian will be authorized to choose the method of eradication of the toxin and may implement a holding period restricting the movement of any animal or bird under investigation for the presence of a toxin. Once an investigation is completed, the animal or bird must be released from the holding period or must be permanently quarantined by the State Veterinarian or his or her representative.

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 -- REAL ESTATE, CEMETERIES, AND CHILD SUPPORT

This bill changes the laws regarding real estate, cemeteries, and child support.

CHILD SUPPORT (Sections 452.340, 454.475, 454.517, 454.557 and 454.1003, RSMo)

The bill:

(1) Requires the hearing officer, when making a determination of the amount of a parent's financial responsibility, to consider the factors in Section 452.340. Currently, the officer must use the scale and formula for minimum support obligations established by the Department of Social Services under Section 454.480;

(2) Requires a notice issued by an agency entitled to receive and disburse child support payments in Missouri to advise the obligor of the procedures available to contest a lien on the obligor's workers' compensation benefits on the grounds that the lien is improper due to a mistake of fact by requesting a hearing within 30 days of the mailing date of the notice. The certified copy of the court order and the sworn or certified statement of arrearages will constitute prima facie evidence that the department director's order is valid and enforceable. If a prima

facie case is established, the obligor can only assert mistake of fact as a defense. The obligor will have the burden of proof on these issues;

(3) Specifies that a current support obligation must not be recorded in the automated child support system when the obligation of a parent to make child support payments is deemed terminated under Section 452.340.

REAL ESTATE

The bill:

(1) Authorizes the Office of the State Land Surveyor within the Department of Natural Resources to establish rules setting minimum standards for digital cadastral parcel mapping. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system must comply with the rules established by the office with certain exceptions. The bill also adds the determination of land boundaries and positions of the United States Public Land Survey System and the creation, preparation, and modification of electronic or computerized data to the list of work or services that a professional land surveyor can perform (Sections 60.670 and 327.272);

(2) Establishes the Property Assessment Clean Energy Act which:

(a) Authorizes one or more municipalities to form a clean energy development board to establish a property assessed clean energy program to finance energy efficiency or renewable energy improvement projects. A property owner can apply to the board to finance the costs of the project through annual special assessments levied under an assessment contract;

(b) Requires each board to consist of at least three members. The number of board members and their terms are to be specified in the ordinance or order establishing the board. If only one municipality is participating in the board, the chief elected officer will appoint board members with the consent of the governing body. If more than one municipality is participating, members will be appointed in a manner agreed to by all participating municipalities;

(c) Requires the board to be a subdivision of the state and have all powers necessary to carry out the provisions of the bill;

(d) Requires the board, by July 1 of each year, to submit a report with each municipality that participated in the formation of the board and the Director of the Department of Natural

Resources. The report must include a brief description of each project financed by the board, the amount of assessments due and the amount collected, the board's administrative costs, the estimated cumulative energy savings from the projects financed during the preceding year, the estimated cumulative energy produced by all renewable energy improvements financed during the preceding year;

(e) Specifies that no lawsuit to set aside the formation or to otherwise question the proceedings related to the formation of the board may be brought after 60 days from the effective date of the ordinance or order establishing the board. No lawsuit can be brought to set aside the approval of a project, an assessment contract, or a special assessment by a clean energy development board after 60 days from the date that the assessment contract is executed;

(f) Specifies the contractual requirements for any assessment contract between the board and the benefitted property owner or owners;

(g) Specifies that the total special assessments levied against a property under an assessment contract cannot exceed the total cost of the project including any required energy audits and inspections;

(h) Requires the board to provide a copy of the assessment contract to the local county assessor and collector, as well as ensure that a copy of the assessment contract is recorded with the county recorder of deeds; and

(i) Specifies that the special assessments agreed to under the contract will be a lien on the property against which it is assessed by the board. The assessments will be collected by the county collector in the same manner as other real property taxes;

(3) Prohibits any school district located in Chesterfield from operating a materials recovery and recycling facility within 500 feet of a residential property (Section 171.185);

(4) Specifies that the provisions of the Farmland Protection Act regarding charges for sewer and water line installation do not apply to any drainage or levee district.

(5) Specifies that the term "employment" does not include services performed by a licensed real estate salesperson or licensed real estate broker if substantially all, instead of the current at least 80%, of the remuneration, whether or not paid in cash, for the services performed, rather than to the number of hours worked, is directly related to sales or other output,

including the performance of services, performed pursuant to a written contract between the individual and the person for whom the services are performed and the contract provides that the individual will not be treated as an employee with respect to the services for federal tax purposes (Section 288.034);

(6) Requires the certificate of title for a new outboard motor to contain both the year the motor was manufactured and the year the dealer received the motor from the manufacturer (Section 306.532);

(7) Adds another professional engineer member to the Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. It also allows a landscape architect to be the chairperson of the board and gives each member of the Landscape Architectural Division of the board a vote when voting on action pending before the board. Beginning August 28, 2010, the chairperson of the board will rotate sequentially among an architect, professional engineer, professional land surveyor, and landscape architect. The chairperson will only serve one four-year term as chairperson. The chairperson of the Landscape Architectural Division will be a vice chairperson of the board and will be ranking vice chairperson when the chairperson of the board is a landscape architect. Eight members of the board, including at least one from each division will be required for a quorum for board business. Two voting members of each division of the board will be required for a quorum for division business (Sections 327.031, 327.041, 327.351, and 327.411);

(8) Changes the laws regarding the regulation of real estate brokers and salespersons to include limited partnerships, limited liability companies, and professional corporations and specifies that "real estate broker" will include these types of companies and "real estate salesperson" will include a single member limited liability company, partnership, limited partnership, association, professional corporation, or corporation (Sections 339.010 - 339.710);

(9) Defines "boat slip" or "watercraft slip" for the purposes of real estate appraisers, establishing that such object is a part of a boat dock serving a common interest community and thus, real property (Section 339.503);

(10) Requires the Missouri Real Estate Commission within the Department of Insurance, Financial Institutions and Professional Registration upon receiving notice from the Department of Revenue that a licensee is delinquent in paying his or her taxes to immediately send a copy of the notice to the broker with which the licensee is associated (Section 339.845);

(11) Requires appraisal management companies to register with the Missouri Real Estate Appraisers Commission. This registration is valid for two years. Applicants for registration must provide contact information for any individual or entity that owns 10% or more of the company, pay a fee, post a \$20,000 bond with the commission, complete an irrevocable Uniform Consent to Service of Process, and make certain certifications regarding their business processes. A person or entity that has had a license disciplined or denied in any state is prohibited from owning more than 10% of an appraisal management company, in order for the company to be registered in Missouri. Appraisal management companies are required to designate a compliance manager who, among other requirements, must submit to a background check. Appraisal management companies are prohibited from employing, contracting, or entering into another business relationship with any person or entity who has had an appraiser license disciplined or denied in Missouri or any other state. Letters of engagement from appraisal management companies are required to instruct appraisers to decline the assignment if the appraiser is not geographically competent or the assignment is outside the appraiser's scope of practice restrictions. Appraisal management companies are required to certify twice a year to the commission that the company has systems in place to verify that: any individual added to the appraiser panel of the company has a license in good standing, any individual to whom the company makes an appraisal assignment has not been refused a license or certification or had their license or certification disciplined, and appraisal reviews are performed to the standards conducted according to Uniform Standards of Professional Appraisal Practice. The company is also required to certify that it maintains a detailed record of each service request for appraisal services. All appraisal management company records are required to be retained for five years. Appraisal management companies are required to separate out the fees the appraiser charged for the appraisal and the fees the company charged for managing the appraisal process on their statements to their clients. Appraisal management companies are prohibited from influencing appraisals through coercion, compensation, instruction, and several other means. These companies are also prohibited from requiring appraisers to modify reports, prepare certain reports, prepare reports under a short time frame, structuring an appraiser's fee based on a loan closing or achieving a certain dollar amount appraisal. Appraisal management companies are required to pay appraisers within 30 days from the completion of an appraisal assignment, except in cases of breach of contract or substandard performance of services. The real estate appraisers commission is required to issue a unique registration number to each appraisal management company. The company is required to put this number on each engagement letter for real estate appraisal assignments in

Missouri. Appraisal management companies are not allowed to remove an appraiser from its appraisal panel without written notice to the appraiser and providing the appraiser an opportunity to respond. If an appraiser is removed from the panel for certain conduct, the appraiser can seek review from the real estate appraisers commission. After notice and opportunity for a hearing, the commission may order the appraiser added to the company's panel. The commission is authorized to discipline the registration of an appraisal management company, or impose civil penalties, not to exceed \$1,000 for each offense, with a maximum penalty of \$10,000 (Sections 339.1100 - 339.1240);

(12) Exempts a tenant from liability for rent payments during the remainder of the term of a lease agreement when his or her residence is destroyed by an act of God or other natural or man-made disaster unless the tenant caused the disaster (Section 441.645);

(13) Requires all public advertisements and orders of publication required by law, including amendments to the Missouri Constitution, legal publications affecting sales of real estate under a power of sale in a mortgage or deed of trust, and other legal publications affecting the title to real estate to be published in a newspaper (Section 493.055);

(14) Requires the court or jury to visit the property alleged to be affected by a nuisance in an action for private nuisance where the amount in controversy exceeds \$1 million whenever any party requests a visit be made (Section 537.296);

(15) Specifies that an individual who owns or leases private property may use deadly force against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter the property. The owner or lessor of the private property does not have a duty to retreat from the property (Sections 563.011 and 563.031);

ENDOWED CARE CEMETERIES (Sections 214.160, 214.270, 214.276, 214.277, 214.282, 214.283, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.389, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, and 214.550)

(1) Allows a county commission that serves as the trustee of a trust fund for a cemetery to invest the fund in certificates of deposit;

(2) Repeals the requirement that any court action to grant an injunction, restraining order, or other order to bring suit against a cemetery operator upon application by the Division of

Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must be commenced in the county in which the illegal action occurred or in the county in which the operator resides;

(3) Requires all contracts sold by cemetery operators for cemetery services or for graves, cemetery markers, crypts, and other burial receptacles to meet certain requirements. If these requirements are not met, all payments will be recoverable by the purchaser plus 10% interest and any reasonable collection costs including attorney fees;

(4) Requires any person, entity, or political subdivision that purchases, receives, or holds real estate used for the burial of human remains, excluding a family burial ground, to notify the Office of Endowed Care Cemeteries within the department of the name, location, and address of the real estate before October 1, 2010, or within 30 days of acquiring the land;

(5) Exempts cemetery operators from the provisions of Chapter 436 regarding prearranged funeral contracts for the sale of cemetery services or for graves, cemetery markers, crypts, and other burial receptacles but prohibits them from adjusting or establishing prices for items with the intent of evading the trust or escrow provisions of the chapter. Provisions related to deposits into endowed care trust funds based on the sales price of certain products are revised;

(6) Removes the provisions requiring a financial institution serving as the trustee of an endowed care trust to be located in Missouri but requires all activities of the trust to be controlled by Missouri law and all funds held in trust to remain in Missouri;

(7) Requires a cemetery operator to notify the division in writing at least 30 days prior to selling a majority of the business assets of a cemetery or a majority of its stock;

(8) Allows, for agreements entered into after August 28, 2010, a cemetery prearranged merchandise products contract to be canceled within 30 days of receipt of the executed contract and requires all payments to be fully refunded;

(9) Allows the division to direct a trustee, financial institution, or escrow agent to suspend the distribution of money from an endowed care trust fund if the cemetery operator is not licensed, has failed to file an annual report, or has failed to file a corrective action plan after an audit has revealed a deficiency; and

(10) Exempts, if a cemetery was owned by a city, any subsequent cemetery owner from liability for any deficiency existing prior to the city's ownership.

MISCELLANEOUS PROVISIONS

The bill:

(1) Requires any pleading, other than the interlocutory or final judgment, or any modification thereof, in a dissolution of marriage, legal separation, or motion to modify filed before August 28, 2009, to be subject to inspection only by the parties or an attorney of record or upon order of the court for good cause shown by any person or designee of a person licensed and acting under Chapter 381 who must keep any information obtained confidential except as necessary to the performance of functions required under the chapter or by the Family Support Division within the Department of Social Services when services are being provided under Section 454.400. Persons authorized to inspect these documents are allowed to receive or make copies of the documents without requiring the clerk to redact information unless specifically ordered to do so by the court. Upon a request, the clerk must redact the Social Security number from any filings, judgment, or pleading before releasing the information to the public (Section 452.430);

(2) Exempts all prosecuting attorneys, assistant prosecuting attorneys, circuit attorneys, and assistant circuit attorneys who have completed the firearms safety training course required under Section 571.111 from the general prohibition on carrying concealed firearms and from certain other restrictions in Section 571.030 (Section 571.030);

(3) Allows the sheriff to charge a fee of up to \$10 for a new jurisdiction to process a change of address for a concealed carry endorsement and a fee of up to \$10 to change the name on an endorsement (Sections 571.104 and 571.107);

(4) Exempts the possession of antique firearms, as defined in 18 U.S.C. Section 921, from the provision that specifies a person commits the crime of unlawful possession of a firearm if he or she is a convicted felon possessing a firearm (Section 571.070);

(5) Requires all data providers in the death registration process, including the State Registrar, local registrars, medical examiners, coroners, or funeral directors to use an electronic death registration system within six months of the system being certified by the Department of Health and Senior Services to be operational and available to all data providers in the death registration process. The State Registrar may adopt pilot

programs or voluntary electronic death registration programs until such time as the system can be certified. However, no pilot or voluntary program can prevent the filing of a death certificate with the local registrar or the ability to obtain certified copies of death certificates under current law until six months after the system is certified as operational. The department must have in place, within 18 months of certification of the electronic death registration system, systems so as to allow the funeral director filing the death certificate to print certified copies of the certificates after the certificates have been electronically registered at a licensed funeral establishment. Any fees for the certified copies printed at a funeral establishment must be directed as if the certified copies were obtained from a local registrar (Sections 193.145 and 193.265);

(6) Provides that in determining eligibility and the amount of benefits to be granted under federally aided state public assistance programs, the value of any life insurance policy where a seller or provider is made the beneficiary or the policy is assigned to a seller or provider, either being in consideration for an irrevocable prearranged funeral contract under chapter 436, will not be taken into account or considered an asset of the beneficiary named in the irrevocable prearranged funeral contract (Section 208.010);

(7) Establishes procedures for asserting a mechanic's lien against residential real property other than a mechanic's lien for the repair, remodeling, or addition to owner-occupied residential property of four units or less; and

(8) Allows any county to use money collected pursuant to Section 488.426 for courtroom renovation and technology enhancement, or for debt service on county bonds for such renovation or enhancement projects. Currently, counties on the nonpartisan court plan are not allowed to use these funds in this manner (Section 488.429);

The provision regarding outboard motor certificate of titles becomes effective January 1, 2011.

SS SCS HCS HB 1695, 1742 & 1674 -- INTOXICATION-RELATED TRAFFIC OFFENSES

This bill changes the laws regarding intoxication-related traffic offenses. In its main provisions, the bill:

(1) Specifies that a DWI court may grant limited driving privileges to an individual who would otherwise be ineligible for the privilege. However, the DWI docket or court cannot grant a limited driving privilege to a person during his or her initial 45 days of participation (Section 302.309, RSMo);

(2) Removes the requirement that no chemical test will be given when a holder of a commercial driver's license refuses to submit to a chemical test at the request of law enforcement (Section 302.750);

(3) Allows any circuit court or the county municipal court of Jackson County to establish a DWI docket to provide an alternative for the disposition of a driving while intoxicated or driving with excessive blood alcohol content case when the person operating a motor vehicle has a blood alcohol content (BAC) of at least .15, the person has pled guilty to or has been found guilty of one or more intoxication-related traffic offense, or the person has two or more previous alcohol-related enforcement contacts. The court may assess any and all necessary costs for participation in a DWI court against the participant and all moneys received by the court will not be considered court costs, charges, or fines. A DWI court may operate in conjunction with a drug court, and a drug court commissioner may preside over a DWI court (Sections 478.001 and 478.007);

(4) Specifies that any offense involving the operation of a vehicle in an intoxicated condition will not be cognizable in municipal court if the defendant has been convicted, found guilty, or pled guilty to two or more previous intoxication-related traffic offenses or has had two or more previous alcohol-related enforcement contacts (Section 479.170);

(5) Specifies that an application or execution of a search warrant cannot be deemed invalid solely because it relied upon an electronic signature of either a law enforcement officer, prosecutor, or judge (Section 542.276);

(6) Requires each law enforcement agency, county prosecuting attorney, and municipal prosecutor to adopt a policy to report the arrest information for all intoxication-related traffic offenses to the State Highway Patrol's central repository and to certify the adoption of the policy when applying for any grants administered by the Department of Public Safety. Beginning January 1, 2011, the State Highway Patrol must maintain regular accountability reports of alcohol-related arrests, charges, and dispositions based on the data submitted (Section 577.005);

(7) Requires the course of instruction that all municipal judges must complete to include a review of state laws regarding

intoxication-related offenses, jurisdictional issues related to those offenses, reporting requirements for courts, and the required assessment for offenders under the Substance Abuse Traffic Offender Program (SATOP); requires each municipal judge to adopt a written policy requiring court personnel to timely report all dispositions of all charges for intoxication-related traffic offenses to the central repository and to provide a copy of the policy to the Office of State Courts Administrator and the State Highway Patrol; and requires each municipal division of every circuit court to prepare a report every six months that includes the total number and disposition of every intoxication-related offense adjudicated, dismissed, or pending in its division and submit the report to the circuit court en banc for review and recommendations (Section 577.006);

(8) Specifies that no person who operated a motor vehicle with a BAC of .15 or more will be granted a suspended imposition of sentence and specifies that for a first offense, unless a person participates and successfully completes the requirements of a DWI court of docket, a person who operated a motor vehicle with a BAC of between .15 and .20 will be imprisoned for at least 48 hours and a person who operated a motor vehicle with a BAC of .20 or more will be imprisoned for at least five days (Sections 577.010 and 577.012);

(9) Changes the minimum imprisonment from five days to 10 days for a prior offender and from 10 days to 30 days for a persistent offender to be eligible for parole or probation unless as a condition the person performs a specified amount of community services or participates in a program established under Section 478.007 or other court-ordered treatment program. Courts may search the central repository, DWITS, or the certified driving records maintained by the Department of Revenue for prior intoxication-related traffic offenses (Sections 577.023);

(10) Removes the provision requiring an intoxication-related traffic offense arrest without a warrant to occur within 90 minutes of the alleged violation (Section 577.039);

(11) Removes the requirement that no test can be given when a person arrested or stopped for an alleged DWI refuses to submit to a chemical test at the request of a law enforcement officer (Section 577.041); and

(12) Specifies that after 10 years a court will enter an order of expungement if it determines that a person with a first alcohol-related driving offense has not been convicted of any subsequent alcohol-related driving offense, has no other subsequent alcohol-related enforcement contact, and has no other

alcohol-related driving charge or enforcement action pending at the time of the hearing (Section 577.054).

HB 1741 -- BOARD MEETINGS OF CORPORATIONS

Currently, any action that must be taken at a meeting of a board of directors or the executive committee of a corporation can be done without a meeting if all the members of the board consent in writing to the action. This bill also allows the consent to be by electronic transmission and specifies that the board secretary must file the consent with the meeting minutes.

SS SCS HCS HB 1750 -- TELECOMMUNICATION COMPANY EXCHANGE ACCESS RATES

This bill requires an incumbent local exchange telecommunications company to reduce for a period of three years its composite intrastate switched access exchange rates annually by 6% of the difference, as determined immediately preceding the first required reduction, between its composite interstate switched exchange access rates and its composite intrastate switched exchange access rates. The first reduction must occur by March 1, 2011, and each subsequent reduction by March 1 of the next two subsequent years. A company impacted by this reduction must submit a report with a chair in the Senate, designated by the President Pro Tem, and a chair in the House of Representatives, designated by the Speaker, between January 15 and January 30 of each year a reduction occurs regarding the company's quality of consumer service, infrastructure build-out, the financial impact of the bill on the company, and other non-proprietary matters as requested by the committee chairs. This requirement will not apply to a small incumbent local exchange telecommunications company serving fewer than 25,000 access lines as of January 1, 2010, or a rural alternative local exchange telecommunications company as specified in the bill.

SS SCS HCS HB 1764 -- INSURANCE

This bill prohibits any person, employer, or health care provider from being compelled to participate in any health care system. Individuals and employers may pay directly for lawful health care services, and health care providers can accept payment for health care services from individuals or employers without being subject to fines or penalties. The purchase or sale of health insurance

in private health care systems cannot be prohibited by law or rule.

A domestic insurance company that is organized as a stock insurance company is allowed to voluntarily dissolve and liquidate as a corporation if the Director of the Department of Insurance, Financial Institutions and Professional Registration approves the articles of dissolution prior to filing the articles with the Secretary of State and the company files a copy of the director's approval along with the articles of dissolution with the Secretary of State.

In determining whether to approve a dissolution, the department director must consider whether the insurers' annual financial statements show no written insurance premiums for five years, the insurer has demonstrated that all policyholder claims have been satisfied or transferred to another insurer, and an examination pursuant to Sections 374.202 - 374.207, RSMo, has been completed within the last five years.

The bill contains a referendum clause and will be submitted to qualified voters in August 2010.

SS HCS HB 1806 -- COUNTY CLASSIFICATIONS AND ANNEXATIONS BY CERTAIN CITIES

This bill increases the assessed valuation thresholds for a county to move into a higher classification. The minimum assessed valuation threshold for counties of the first classification is increased from \$600 million to \$900 million and from \$450 million to \$600 million for counties of the second classification. All counties with an assessed valuation of less than \$600 million will be third classification counties.

The governing body of any county of the second classification which, on August 28, 2010, has had an assessed valuation of at least \$600 million for at least one year may, by resolution of the county governing body, elect to become a county of the first classification after it has maintained that valuation for the period of time required under Section 48.030, RSMo. Currently, this applies only to the counties of Christian, Lincoln, Newton, and St. Francois.

The required assessed valuation thresholds for a change in county classification will be increased each year by an amount equal to the percentage change in the annual average of the federal Consumer Price Index or zero, whichever is greater. The State

Tax Commission must calculate and publish the amount so that it is available to all counties.

The bill allows a municipality to annex a parcel of land within a research, development, or office park project located in an unincorporated area of the county if the parcel is compact and contiguous to the existing boundaries of the municipality and the municipality obtains the written consent of all the property owners within the unincorporated area of the parcel.

The City of Byrnes Mill is prohibited from annexing any property adjacent to the city if there are no registered voters residing on the property unless the city has obtained the written consent of all the property owners within the adjacent property.

The bill contains an emergency clause.

SCS HCS HB 1831 -- SCHOOL DISTRICT PROPERTY

This bill allows a school district, after 10 years, to sell as surplus any real property that had been donated to it if the donor refuses the district's offer to return it.

HCS HB 1840 -- RICE ADVISORY COUNCIL

This bill changes the membership of the Rice Advisory Council to require certain members to be employed as or by a rice handler in Missouri and as or by an end user of rice. The bill revises the definition of "handler" to include a person in the business of buying rice and excludes a person who is a producer. The definition of "end user" is also revised to exclude a company or corporation that is a producer.

The Missouri Rice Certification Fund is created consisting of fees collected by the Department of Agriculture under the Missouri Rice Certification Act to be used for the sampling and testing of rice.

SS HCS HB 1848 -- JOINT COMMITTEE ON URBAN FARMING

This bill establishes the Joint Committee on Urban Farming consisting of five members of the House of Representatives and five members of the Senate. All members of the General Assembly not appointed to the committee may be nonvoting, ex officio

members of the committee. The committee is required to meet within 30 days of the date the bill becomes effective and may meet in locations other than Jefferson City, including at least one meeting in each of the three urban regions in the state.

The joint committee must submit a final report with recommendations for any legislative action deemed necessary to the Speaker of the House of Representatives, President Pro Tem of the Senate, and the Governor by December 31, 2010. The committee must study and make recommendations regarding the impact of urban farm cooperatives, vertical farming, and sustainable living communities and examine various trends in urban farming; existing resources and capacity; the impact on affected communities; and any needed legislation, policies, or regulations.

The joint committee is required to establish a subcommittee known as the Urban Farming Advisory Subcommittee consisting of 12 members including the directors of the departments of Agriculture, Economic Development, Health and Senior Services, and Natural Resources; and the Director of the Department of Agriculture will serve as the chair. The chair, subject to the approval of the joint committee, will select eight additional members of the subcommittee who have experience in or represent organizations associated with topics relevant to urban farming. The subcommittee must study, analyze, and provide background information, recommendations, and findings in preparation of each public hearing called by the joint committee. Staff of Senate Research, House Research, and the Joint Committee of Legislative Research may provide services as required by the joint committee.

The provisions of the bill expire January 1, 2011.

SCS HCS HB 1858 -- ADMINISTRATION OF CERTAIN SCHOLARSHIP PROGRAMS

This bill transfers the administrative responsibility for the Minority Teaching Scholarship from the Department of Elementary and Secondary Education to the Department of Higher Education and the Minority and Underrepresented Environmental Literacy Program which awards scholarships to ethnic groups who are most severely underrepresented as determined by data gathered by the National Academy of Sciences in specified academic areas from the Minority Environmental Literacy Advisory Committee within the Department of Natural Resources to the Department of Higher Education.

This bill changes the laws regarding keys to the Capitol dome, state agencies, MO HealthNet claims, and establishes the Joint Committee on the Reduction and Reorganization of Programs Within State Government. In its main provisions, the bill:

(1) Requires the Commissioner of the Office of Administration to provide a key that accesses the State Capitol dome to each member of the General Assembly. The President Pro Tem of the Senate and the Speaker of the House of Representatives must provide a training program, in consultation with the Office of Administration and the Department of Public Safety, regarding access to secured areas of the State Capitol Building;

(2) Establishes the Joint Committee on the Reduction and Reorganization of Programs Within State Government. The requirements for membership are specified in the bill. The committee must publish a report by December 31, 2010, with recommendations for reducing, eliminating, or combining state programs and departments. All state departments must provide the committee with requested information;

(3) Requires all employees of the Joint Committee on Legislative Research, Oversight Division to take and file with the Chief Clerk of the House of Representatives and the Secretary of the Senate an oath to support the Missouri constitution, not to disclose information to unauthorized persons, and to not accept presents or emoluments for the discharge of their duties other than those fixed in accordance to the employee by law

(4) Allows state departments to purchase information technology services not exceeding \$75,000 using the informal procurement standards authorized in Section 34.040, RSMo;

(5) Transfers the jurisdiction over certain employee claims in Chapters 36 and 105 from the Personnel Advisor Board to the Administrative Hearing Commission. The commission is also granted power to hear an appeal from a merit employee who has been fired or demoted. The appeals process and possible remedies provided by the commission are specified in the bill;

(6) Allows a statewide elected official to request a determination of the lowest and best bidder regarding a contract for purchasing, printing, or services from the Office of Administration which must respond to the elected official within 45 days after the submission of the request. The Office of Administration cannot prevent any state agency or other state entity from purchasing supplies from an authorized General

Services Administrator vendor if the contract does not exceed the competitive bid limits in Section 34.040;

(7) Replaces the Director of the Forms Management Unit with the Commissioner of the Office of Administration or a designee as a voting member on the State Records Commission;

(8) Transfers the powers and duties of the State Water Patrol to the newly established Division of Water Patrol within the State Highway Patrol. The Superintendent of the Highway Patrol will appoint a director of the new division and may transfer employees to the new division. The county sheriff will participate in search warrants served by the division except for the investigation of boating while intoxicated and other vessel-related matters. The bill provides a mechanism to allow members of the water patrol joining the new division to choose between the Missouri State Employees' Retirement System or the Department of Transportation and Highway Patrol Retirement System. The procedure for the election, which must be made within 90 days of January 1, 2011, is specified in the bill. A member will be provided with a comprehensive written analysis of the differences between the plans prior to making his or her decision. An employee who becomes a uniformed member of the highway patrol and join that retirement system will be subject to the mandatory retirement as provided in Section 104.081;

(9) Allows the Superintendent of the State Highway Patrol to appoint up to one additional major, nine new captains, eight lieutenants, and 99 patrolmen and officers by raising the limits imposed in Sections 43.040 and 43.050;

(10) Establishes criteria for the payment of MO HealthNet subrogation claims by health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers. A claim will be paid for up to three years from the date services were provided or rendered but will not be required to reimburse for items or services which are not covered under MO HealthNet or for items or services not covered by a plan subject to a subrogation claim. The state must enforce the claim within six years. A claim may not be denied solely based on the date the claim is submitted, the type or format of the claim form, failure to present proper documentation at the point of sale, or failure to provide prior authorization. The amount of reimbursement is limited to the amount properly billed at the point of sale. The computerized records of the MO HealthNet Division, certified by the department director or his or her designee, will be prima facie evidence of proof of moneys expended and due to the state; and

(11) Allows the Department of Mental Health to cooperate and contract with political subdivisions and other state entities to promote public understanding of substance abuse, mental illness, and developmental disabilities.

The provisions regarding the Joint Committee on the Reduction and Reorganization of Programs Within State Government will expire on January 1, 2011.

SCS HB 1892 -- STUDENT WORK CERTIFICATES

Currently, a work certificate for a child younger than 16 years of age must be issued and signed under the direction of the superintendent of the school district in which the student resides. This bill allows a work certificate to be issued by:

- (1) The chief executive officer, or the equivalent position, of a charter school which the child attends;
- (2) A person possessing a student services certificate with the written authorization of the school's superintendent or chief executive officer; and
- (3) The principal of a public or private school or an administrator designated by the principal of the school which the child attends.

No individual is allowed to issue a work certificate to his or her own child unless the parent, guardian, or designated tutor who is the student's primary educator and is responsible for the student's education and schedule can issue a work certificate.

A principal must self-certify that he or she understands the legal requirements for the issuance of a work certificate. The principal must provide a copy of the work certificate to the superintendent of the school district, who can revoke the certificate if there are grounds for which the student is deemed ineligible. A superintendent or chief executive officer may authorize, in writing, another person to issue work certificates in the superintendent's or chief executive officer's absence.

Any hour limitations imposed on the work certificate issued under the provisions of the bill must be based on the calendar of the school that the child attends.

SS#2 HCS HB 1893 -- GAMING FUNDS

Currently, the laws regarding the distribution of gaming funds contain provisions that govern the administration of early childhood education and veterans' programs which are supported by gaming moneys. This bill repeals and re-enacts those provisions with two changes and places them in the statutes that apply to veterans (Chapter 42, RSMo) and to education (Chapter 161). The changes include requiring grant funds to be made available for service officer training for outreach programs between veteran service organizations and the Missouri Veterans Commission and adds the Vietnam War to the list of conflicts for which service medals are awarded. An obsolete subsection that describes how distributions were made in Fiscal Year 1998 and earlier is also repealed.

Beginning in Fiscal Year 2011, the Veterans' Commission Capital Improvement Trust Fund and the Early Childhood Development Education Care Fund will each receive, subject to appropriations, an additional \$600,000 per year if the Gaming Commission Fund reaches the 2009 appropriation level for early childhood education. Once the \$1.2 million is distributed to these two funds, any additional moneys will be deposited into the Early Childhood Development Education and Care Fund.

The bill also requires the State Auditor to conduct an annual audit for a period of three years beginning January 1, 2011, of the Veterans' Commission Capital Improvement Trust Fund and the Early Childhood Development Education and Care Fund. The findings of each audit of the veterans' trust fund must be distributed to the General Assembly, the Governor, and Lieutenant Governor within 10 business days after completion of the audit, and the finding of each audit of the early childhood fund must be distributed to the General Assembly within 10 business days after completion of the audit.

HB 1894 -- MENTAL HEALTH SERVICES

This bill changes the laws regarding mental health services.

The Department of Mental Health is required to cooperate with and may directly contract with all state agencies; local units of government; any of the Governor's advisory councils or commissions, or their successor agencies; and the Missouri Mental Health Foundation, or its successor entity, in the delivery of programs designed to improve public understanding of attitudes toward mental disorders, developmental disabilities, and alcohol and drug abuse.

Currently, public hospitals which are operated primarily for the care and treatment of mental disorders are exempt from the payment of a federal reimbursement allowance for the privilege of engaging in the business of providing inpatient health care in this state. The bill removes that exemption.

Currently, an overdue patient account of a residential facility or day program under the control of the department submitted to a court for collection must be certified by the head of a residential facility or day program, with the seal of the institution attached, in order to constitute prima facie evidence of the amount due. The bill requires the certification to be completed by the department director or his or her designee instead of the head of the facility or program.

HCS HB 1898 -- WOMEN'S HEART HEALTH PROGRAM

Upon receipt of federal funding, this bill establishes the Women's Heart Health Program within the Department of Health and Senior Services to provide heart disease risk screenings for women who are between 40 and 64 years of age, receive breast and cervical cancer screenings under the Missouri Show Me Healthy Women Program, are uninsured or underinsured, and have a gross family income at or below 200% of the federal poverty level. The department must contract with providers who currently provide services under the Missouri Show Me Healthy Women Program. Any woman whose screening indicated an increased risk for heart disease must be referred for the appropriate follow-up health care services and be offered lifestyle education services to reduce her risk for heart disease. If federal funding is not received, the department is not required to implement the program.

SCS HCS HB 1903 -- FUNDS FOR DEPOSIT OF CERTAIN FEDERAL MONEYS

This bill creates the Federal Budget Stabilization Extension Fund to receive moneys from any federal job creation legislation enacted by the 111th United States Congress and the Race to the Top Fund to receive moneys from the federal Race to the Top Program. Before funds can be disbursed to school districts from the Race to the Top Fund, the Commissioner of Education must present his or her proposed distribution to the Joint Committee on Education and the joint committee must approve or deny, by a majority vote, the distribution.

The bill contains an emergency clause.

SCS HB 1941 -- MEMORIAL HIGHWAYS AND BRIDGE

This bill designates the following street, bicycle lane, memorial highways, and bridge:

(1) The portion of Interstate Highway 70 within the City of St. Louis as the "Mark Twain Highway." Currently, the portion of the highway is named "Mark McGwire Highway";

(2) The portion of State Highway 266 located in Greene County from Airport Boulevard to one mile east as the "Dr. Martin Luther King Jr. Memorial Mile." Currently, the designation is the portion of State Highway 266 located in Greene County from North Missouri Road AB to one mile east;

(3) The pedestrian and bicycle lane on the southernmost, downstream U. S. Highway 54 bridge, crossing the Missouri River at Jefferson City in Cole County as the "Pat Jones Pedestrian/Bicycle Lane";

(4) The portion of Lindbergh Boulevard in St. Louis County from its intersection with Lemay Ferry Road to the highway's connection with Barracksvue Road as the "Dave Sinclair Memorial Highway";

(5) The portion of State Highway 80 in New Madrid County from the intersection of State Highway 61, State Highway 80, and State Route H east to Interstate 55 as the "Gene Curtis Memorial Highway";

(6) The portion of Interstate 44 in St. Louis County from the intersection with South Geyer Road east to the intersection with South Elm Avenue as the "Police Officer Ernest M. Brockman Sr. Memorial Highway";

(7) The portion of State Highway 53 in Butler County from the city limits of Qulin to one mile south of the city limits as the "Johnny Lee Hays Memorial Highway";

(8) The portion of Interstate 64/U. S. Highway 40 from the McClausland/Skinker interchange east to the Interstate 64/Interstate 55 interchange as the "Jack Buck Memorial Highway";

(9) The bridge crossing over the Union Pacific Railroad located on U. S. Highway 24 near Wilson Road in the Fairmont Business District in the City of Independence in Jackson County as the "Sergeant Charles R. Long Memorial Bridge";

(10) The portion of U. S. Highway 24 in Jackson County from the bridge crossing over the Union Pacific Railroad in the Fairmont Business District of the City of Independence to the intersection of Noland Road as the "Harry S Truman Memorial Highway";

(11) The portion of Interstate 44 located in Franklin County from the State Highway 100 overpass west to the St. Mary's Road overpass as the "Mo. Hwy. Patrolman Corporal Dennis E. Engelhard Memorial Highway";

(12) The portion of U. S. Highway 36 located 1.7 miles west of the intersection of U. S. Highway 36 and State Route O in Macon County as the "Missouri State Trooper William Brandt Memorial Highway"; and

(13) The portion of State Highway 13 from the intersection of State Highway 32 to the intersection of State Highway 83 in Polk County as the "John Playter Memorial Highway."

HB 1942 -- EMERGENCY SERVICE BOARDS

Currently, county emergency telephone service 911 boards must consist of 11 members appointed by the county governing body with at least six members representing public safety agencies. This bill specifies that at least seven members of the Polk County board must represent specified public safety agencies including the county sheriff, county presiding commissioner, chief of police of the county seat, mayor of the county seat, president of the county fire association, and the chief executive officer and the director of emergency services of the memorial hospital located in the county seat.

An emergency services board must annually establish a tax rate sufficient to fund emergency services expenditures by September 1, publish the rate in its minutes, and notify every retailer by mail of the new rate. The bill specifies that an emergency service board will be a body corporate and a political subdivision of the state.

CCS SCS HCS HB 1965 -- STATE GOVERNMENT

This bill repeals various expired provisions of law, changes the laws regarding the publication of the Official Manual of the State of Missouri and state laws and resolutions, and the criteria to qualify for certain state programs and establishes

the Joint Committee on Missouri's Promise and the Joint Subcommittee on Recovery Accountability and Transparency.

REPEAL OF EXPIRED STATUTES

The bill repeals various expired provisions in the Revised Statutes of Missouri as identified in the January 2010 Annual Report of the Joint Committee on Legislative Research on Laws Which Expire, Sunset, Terminate, or Become Ineffective.

CERTAIN OFFICIAL STATE PUBLICATIONS

The Official Manual of the State of Missouri will be made available only in an electronic format accessible through the Secretary of State's web site. The Joint Committee on Legislative Research is authorized to print or produce all laws and resolutions in a web-based electronic format. A printed copy may be made available at a price determined by the joint committee.

JOINT COMMITTEE ON MISSOURI'S PROMISE

The Joint Committee on Missouri's Promise is established consisting of 10 legislative members with five appointed by the President Pro Tem of the Senate and five by the Speaker of the House of Representatives. No more than three members of the House of Representatives nor three members of the Senate may be from the same political party. A majority of the committee will constitute a quorum, but the concurrence of a majority will be required for the determination of matters relevant to the duties of the committee. Members of the committee will not receive compensation but may be reimbursed for reasonable and necessary expenses associated with their official committee duties. The committee must examine issues impacting Missouri's future and its citizens; develop long-term strategies and plans for increasing economic prosperity and opportunities for Missouri citizens, improving the health status of Missourians, developing an education system that educates students and prepares them for global competition, investing in and maintaining a modern infrastructure and transportation system, and other areas that are vital to improving the lives of Missourians; develop long-term plans for the General Assembly to meet the long-term strategies; implement budget forecasting; and determine the proper course of future legislative and budgetary actions. By January 1, 2011, and each year thereafter, the committee must issue a report to the General Assembly regarding any findings or recommendations.

JOINT SUBCOMMITTEE ON RECOVERY ACCOUNTABILITY AND TRANSPARENCY

The Joint Subcommittee on Recovery Accountability and Transparency is established to prevent waste, fraud, and abuse of funds received from the federal American Recovery and Reinvestment Act of 2009, commonly known as the federal economic stimulus act. The subcommittee will be composed of four members of the House of Representatives and four members of the Senate. Procedural requirements for holding hearings are specified in the bill. The subcommittee's powers and duties include the review of contracts, grant management, job creation, and state agency and departmental spending practices. The subcommittee must submit an annual report to the Governor and General Assembly. State agencies may reply to the report within 30 days of a recommendation.

CRITERIA TO QUALIFY FOR CERTAIN STATE PROGRAMS

Several state programs require an area to meet specific income, population, and unemployment thresholds based on the last decennial census in order to qualify for certain state programs. The bill requires that these thresholds be based on the most recent estimate from the United States Census Bureau's American Community Survey. This estimate must encompass a five-year period, the last year of which must end in either a 0 or a 5. This criteria will apply to the following:

- (1) An enhanced enterprise zone (Sections 135.205, 135.207, and 135.230);
- (2) Tax credits for investment in or relocating a business to a distressed community (Section 135.530);
- (3) A rural empowerment zone (Sections 135.903 and 135.953);
- (4) The Missouri Downtown and Rural Economic Stimulus Act (Section 99.918);
- (5) The Downtown Revitalization Preservation Program (Section 99.1082);
- (6) Affordable housing (Section 215.263); and
- (7) The Business Extension Service Team Fund (Section 620.1023).

The provisions regarding the joint subcommittee on recovery accountability and transparency will expire March 1, 2013.

The repeal and reenactment of the provisions regarding the criteria to qualify for certain state programs become effective

April 1, 2011, or when the data becomes available, whichever occurs first.

HCS HB 1977 -- EMERGENCY SERVICES

This bill changes the laws regarding emergency services and emergency medical technicians-intermediate. In its main provisions, the bill:

- (1) Requires all basic life support ambulances and stretcher vans to be equipped with an automated external defibrillator and staffed by at least one person trained in its use;
- (2) Repeals the provision allowing only emergency medical response agencies, fire departments, and fire protection districts to provide certain advanced life support services with emergency medical technicians-intermediate;
- (3) Repeals the provision requiring emergency medical response agencies using emergency medical technicians-intermediate to work in collaboration with an ambulance service providing advanced life support with personnel trained at the paramedic level;
- (4) Allows a temporary emergency medical technician licensee to practice under the immediate supervision of a licensed emergency medical technician-intermediate;
- (5) Requires employers and supervisors of emergency medical technicians-intermediate to cooperate with the Department of Health and Senior Services compliance requirements under the Comprehensive Emergency Medical Services Systems Act; and
- (6) Adds an emergency medical technician-intermediate or EMT-I to the definition of "emergency medical care provider" as it relates to exposure to contagious or infectious diseases.

HB 2056 -- LIENS FOR FAILURE TO PAY CHILD SUPPORT OR MAINTENANCE

This bill requires a lien on real estate that is obtained based on a judgment or order for unpaid child support or maintenance to state only the last four digits of the obligor's Social Security number instead of the full number.

SS SCS HCS HB 2058 -- MECHANIC'S LIENS AGAINST RESIDENTIAL REAL PROPERTY

This bill establishes procedures for asserting a mechanic's lien against residential real property other than a mechanic's lien for the repair, remodeling, or addition to owner-occupied residential property of four units or less. In its main provisions, the bill:

(1) Requires a claimant seeking to retain the right to assert a mechanic's lien against residential real property to record a notice of rights with the recorder of deeds for each county in which the property is located. The notice will only apply to any work, labor, or materials performed or used to, on, or for the property in, not less than five days prior to the intended date of closing stated in a notice of intended sale as contemplated in these provisions. Any claimant failing to record a notice of rights will be deemed to waive and forfeit any right to assert a mechanic's lien against the property but will retain the rights and remedies allowed by law to collect payment for any work, labor, and materials;

(2) Requires a notice of rights to comply with Section 59.310, RSMo, and to be in a form as specified in the bill;

(3) Requires the title owner of residential real property, who has contracted for the performance or provision of work, labor, or materials for the improvement of the property to facilitate the sale of the property to record a notice of intended sale within 45 days prior to the earliest calendar date the owner intends to close on the sale of the property. The notice must state the date on which the owner intends to close. The notice is a condition precedent to a claimant's obligation to record a notice of rights as to the subject property in order to retain a claimant's mechanic's lien rights as to the property. The owner must provide a copy of the notice with any claimant and post on the subject property, or at an entrance to the subject property, at any jobsite office located at or near the subject property a copy of the owner's notice of intended sale. If the owner or agent fails to comply, the claimant will be entitled to receive his or her actual and reasonable costs, excluding attorney fees, to obtain the necessary legal description for the claimant to record his or her notice of rights. The provisions of the bill will not relieve the claimant from his or her obligation to record a notice of rights including, without limitation, the claimant receiving a legal description with an error, omission, or inaccuracy in the content or the owner or his or her designated agent's failure to otherwise comply;

(4) Specifies that any notice of rights or renewal notice of rights will be valid for only one year after recording unless the claimant records a new notice of rights prior to the expiration date. If a claimant fails to file prior to the expiration date, the claimant's lien rights will be extinguished. A renewal notice of rights will be substantially the same as the notice of rights. A renewal notice of rights affecting multiple lots must omit any lot for which the claimant has executed an unconditional final lien waiver;

(5) Specifies that a claimant satisfies the just and true account requirement in Section 429.080, RSMo, by providing the following information and documentation as part of the mechanic's lien claim filed with the clerk of the circuit court:

(a) A photocopy of the file-stamped notice of rights and any renewals of notice of rights recorded by or identifying the claimant;

(b) The name and address of the person the claimant contracted with to perform the work;

(c) A copy of any contract, purchase order, or proposal and any agreed change order or modification to the agreement;

(d) A general description of the scope of work agreed to be performed in the absence of any written agreement;

(e) All invoices submitted by a claimant for work on the property and any payments made, an accurate statement of account showing all payments or credits against the amount due for work performed, and the calculation for the amount claimed; and

(f) The last date that work or labor was performed or any materials or equipment provided;

(6) Allows any person having interest in a residential real property against which a mechanic's lien has been filed to release the lien by depositing in the office of the circuit clerk a sum of money in cash or certified check; an irrevocable letter of credit issued by a federally or state chartered bank, savings and loan association, or savings bank authorized to do business in Missouri; or a surety bond and by recording the amount of the deposit including the claimant's name and the amount being released on the property;

(7) Specifies that a deposit of substitute collateral and release of a claimant's mechanic's lien will not modify any aspect of the priority of the claimant's interest or obligations regarding enforcement of a mechanic's lien nor will it relieve

any claimant of potential liability for slander of title or otherwise due to the filing of a claimant's mechanic's lien;

(8) Allows a claimant to waive his or her right to assert a mechanic's lien by executing a partial or full waiver of mechanic's lien rights, but this waiver will not be deemed to waive or release a mechanic's lien rights in exchange for a lesser payment unless the mechanic's lien waiver is an unconditional, final mechanic's lien waiver in compliance with these provisions;

(9) Specifies that an unconditional, final mechanic's lien waiver will only be valid if it is on a form as specified in the bill; and

(10) Requires any claimant who has recorded a notice of rights and who has been paid in full for the work performed to timely execute an unconditional, final mechanic's lien waiver; to not unreasonably withhold the waiver when circumstances require prompt execution; and in no event fail to provide a waiver any later than five days after the claimant's receipt of a written request to do so by any person or entity. A claimant who fails or refuses to timely execute an unconditional, final lien waiver will be presumed liable for slander of title and for any damages sustained as a result, together with a statutory penalty of \$500.

The provisions of the bill will not apply to any conveyance closing on or after November 1, 2010.

CCS HCS HB 2070 -- JOINT CENTRAL FIRE AND EMERGENCY DISPATCHING SERVICES TAXES

Currently, funds collected from a central fire and emergency dispatching services tax must be used solely for the purpose of establishing and providing the joint services except in St. Louis County where the funds are used for equipment and services by cities, towns, villages, counties, or fire protection districts which contract with the joint central fire and emergency dispatching service except for salaries, wages, and benefits. This bill specifies that all funds derived from the tax, including any existing surplus funds, may be used by any city, town, village, county, or fire protection district or a central fire and emergency service board for these purposes.

Fire protection districts in Jefferson County that have levied property taxes under Section 321.243, RSMo, and imposed any communications tax for central fire and emergency dispatching

services are authorized to use, upon voter approval, the property tax revenue for general revenue purposes.

The bill authorizes St. Louis County to impose, upon voter approval, a sales tax on all retail sales, except sales of food, to establish, operate, and maintain an emergency communications system. The Director of the Department of Revenue will collect and deposit the sales tax revenue, less a 1% collection fee, into the newly created County Emergency Communications Sales Tax Fund. The department director will disburse the funds monthly to the appropriate county.

HCS HB 2081 -- USE OF FORCE IN DEFENSE OF AN UNBORN CHILD

This bill specifies that a pregnant woman may use deadly force upon another person if she reasonably believes that deadly force is necessary to protect her unborn child against death, serious physical injury, or any forcible felony.

HCS HB 2147 & 2261 -- A+ SCHOOLS PROGRAM

Currently, a student who is an active-duty military dependent is exempt from the three-year attendance requirement for the A+ Schools Program. This bill also allows a student who is a dependent of a retired military member who relocates to Missouri within one year of the date of his or her parent's retirement from active duty to be exempt from the attendance requirement.

HCS HB 2161 -- DRIVER'S LICENSE APPLICATION INFORMATION

Currently, the sale of driver's license application information to other organizations or states for commercial purposes is prohibited except for certain specified exceptions. This bill specifies that "commercial purposes" will not include driver's license application information used, compiled, or obtained solely for purposes expressly allowed under the Missouri or federal Drivers Privacy Protection Act.

HB 2182 -- AGRITOURISM

This bill specifies that, as used in Missouri statutes, "agritourism" means the act of visiting a working farm or any

agricultural operation for the purpose of enjoyment, education, training, or active involvement in the activities of the agricultural operation.

SS SCS HCS HB 2198 -- MOTOR VEHICLE FRANCHISE PRACTICES ACT

This bill changes the laws regarding the Motor Vehicle Franchise Practices Act. In its main provisions, the bill:

(1) Specifies that the public policy of the state is to provide for fair and impartial regulation of individuals engaged in the manufacturing, distribution, importation, or selling of motor vehicles and to protect the public interest in the purchase and trade of motor vehicles;

(2) Requires all franchise licenses and license renewals after August 28, 2010, to be bound by the provisions of the act and prohibits any franchise agreement made, entered, modified, or renewed after that date from avoiding or violating the requirements of the act;

(3) Requires the provisions of the act to apply to each franchise that a franchisor, manufacturer, importer, or distributor has with a franchisee and all agreements between a franchisee and a common entity or any person controlled by a franchisor;

(4) Increases the distance requirements of a relevant market area when locating or relocating a dealership. A franchisor must give written notice to a franchisee of the opening of any new dealership in the relevant market area selling vehicles of the same line-make. A franchisee may bring an action before the Administrative Hearing Commission within 30 days of the notice to determine if there is good cause to allow the competition. The bill revises the circumstances that the commission will take into consideration when determining good cause;

(5) Requires a reopened or replaced franchise to be offered to the former owner if a dealership reopens within two miles of its former location;

(6) Requires a franchisor to be licensed and to annually renew his or her license with the Department of Revenue;

(7) Regulates the offering of a franchise by a successor manufacturer and specifies certain criteria that must be met before a new franchise may be offered or sold if a manufacturer previously canceled or otherwise ended a franchise agreement;

(8) Allows for the filing of a complaint instead of an application for a hearing before the commission regarding a violation of the act. When a proceeding is pending before the commission, a demand for mediation must be filed which will stay further action by the commission. If mediation is unsuccessful, the commission must issue its order terminating the stay;

(9) Specifies that the actions listed in Section 407.825, RSMo, whether committed directly or indirectly through an agent, employee, affiliate, common entity, representative, or franchisor-controlled entity will be considered an unlawful practice;

(10) Revises existing unlawful practices and establishes additional unlawful practice violations including:

(a) Engaging in certain specified restraint of trade actions such as conditioning the offer of a franchise on a site control agreement or agreement for exclusive use;

(b) Terminating a franchise agreement without specified notice regarding unsatisfactory sales or service performance;

(c) Conditioning the retention of a franchise agreement on certain specified control requirements over the franchisee's business;

(d) Causing warranties to fail to be performed;

(e) Interfering with or withholding contracted services;

(f) Requiring installment financing with a particular financial institution;

(g) Requiring changes in a franchisee's location without good cause;

(h) Allowing an unauthorized person to perform warranty service with certain exceptions;

(i) Discriminating in the models of the same line-make offered to a franchisee;

(j) Failing to make available the offering of bonuses or rebates;

(k) Conditioning a franchise agreement on facility improvements unless reasonably required by the technology of a motor vehicle;

- (l) Entering into a site control agreement unless voluntarily accepted by the franchisee;
 - (m) Failing to offer rebates, dealer incentives, interest rate reductions, finance terms for the same line-make, and various cash incentives and promotional items;
 - (n) Discriminating unreasonably between franchisees in any program providing assistance including sales and marketing help;
 - (o) Failing to provide notice of a choice of law provision specified in the act;
 - (p) Interfering with the delivery of motor vehicle parts;
 - (q) Using data concerning a franchisee to discriminate against it in various specified ways;
 - (r) Refusing to sell or deliver motor vehicles;
 - (s) Requiring the use of customer information obtained from the franchisee with certain exceptions and requiring a franchisee to make a customer purchase additional products from the franchisor;
 - (t) Establishing unfair performance standards for a franchisee;
 - (u) Implementing any plan for delivery of parts that is inequitable; and
 - (v) Violating any other provision of the act that adversely impacts a franchisee;
- (11) Establishes the deadline and other rules for submitting a claim after a franchisee completes the preparation, delivery, or warranty service authorized under Section 407.828;
- (12) Requires a franchisor to indemnify and hold harmless a franchisee for damage to a vehicle occurring prior to delivery that was not disclosed in writing to the franchisee prior to the delivery of the vehicle;
- (13) Requires a franchisor to give 90 days' notice of any modification that substantially and adversely affects the franchisee's rights, obligations, investments, or return on investments; and
- (14) Specifies the right to appeal a judgment of the commission in court and allows actual damages, court costs, and punitive damages to be recovered for a violation of the provisions of the

act. Mediation is non-binding, and Missouri law will govern all disputes brought pursuant to the act.

SS SCS HCS HB 2201 -- RESIDENTIAL MORTGAGE PROFESSIONALS AND CONSERVATOR INVESTMENTS

This bill renames the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act to the Missouri Secure and Fair Enforcement for Mortgage Licensing Act. Any exempt person as defined by Section 443.803, RSMo, on July 7, 2009, will be exempt from the licensing requirements of the Nationwide Mortgage Licensing System and Registry under the Secure and Fair Enforcement (SAFE) for Mortgage Licensing Act provisions of the federal Housing and Recovery Act of 2008 until June 1, 2010. Any exempt entity licensed between July 8, 2009, and June 1, 2010, will not be eligible for any refund of licensure fees.

The probate code is revised to allow a conservator of an estate of a protectee to invest liquid assets in financial institutions insured by the National Credit Union Share Insurance Fund in addition to the Federal Deposit Insurance Corporation.

The bill contains an emergency clause for the provisions regarding the renaming of the Missouri Secure and Fair Enforcement for Mortgage Licensing Act.

CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 -- REGULATION AND LICENSING OF CERTAIN PROFESSIONS

This bill changes the laws regarding certain professions regulated by the Department of Insurance, Financial Institutions and Professional Registration; the Joint Committee on Legislative Research - Oversight Division; MO HealthNet reimbursements; and hospital premises licenses.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH - OVERSIGHT DIVISION

All employees of the Joint Committee on Legislative Research, Oversight Division are required to take and file with the Chief Clerk of the House of Representatives and the Secretary of the Senate an oath to support the Missouri constitution, not to disclose information to unauthorized persons, and to not accept presents or emoluments for the discharge of their duties other than those fixed in accordance to the employee by law.

MO HEALTHNET REIMBURSEMENT

When a MO HealthNet recipient also has a third-party insurer, the third-party administrator, administrative service organization, and pharmacy benefits manager must process and pay all properly submitted medical assistance subrogation claims for up to three years from the date of the services, unless MO HealthNet does not evoke its right to the claim within six years after the claim is submitted. The computerized records of the MO HealthNet Division, certified by the division director or his or her designee, will be prima facie evidence of proof of moneys expended and the amount due the state.

Subject to appropriations, the Department of Social Services must establish a rate of reimbursement for certain professionals under the MO HealthNet Program which provides equal reimbursement for the same or similar health services. The computerized records of the Missouri HealthNet Division, certified by the department director, or his designee, will be prima facie evidence of proof of moneys expended and the amount of the debt due to the state.

ENDOWED CARE CEMETERIES

The bill:

(1) Repeals the requirement that any court action to grant an injunction, restraining order, or other order to bring suit against cemetery operators upon application by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must be commenced in the county in which the illegal actions occurred or in the county in which the operator resides;

(2) Requires all contracts sold by cemetery operators for cemetery services or for graves, cemetery markers, crypts, and other burial receptacles to meet certain requirements. If these requirements are not met, all payments will be recoverable by the purchaser plus 10% interest and any reasonable collection costs including attorney fees;

(3) Requires any person, entity, or political subdivision that purchases, receives, or holds real estate used for the burial of human remains, excluding a family burial ground, to notify the Office of Endowed Care Cemeteries within the department of the name, location, and address of the real estate before October 1, 2010, or within 30 days of acquiring the land;

(4) Exempts cemetery operators from the provisions of Chapter 436 regarding prearranged funeral contracts for the sale of cemetery services or for graves, cemetery markers, crypts, and

other burial receptacles but prohibits them from adjusting or establishing prices for items with the intent of evading the trust or escrow provisions of the chapter. Provisions related to deposits into endowed care trust funds based on the sales price of certain products are revised;

(5) Removes the provisions requiring a financial institution serving as the trustee of an endowed care trust to be located in Missouri but requires all activities of the trust to be controlled by Missouri law and all funds held in trust to remain in Missouri;

(6) Requires a cemetery operator to notify the division in writing at least 30 days prior to selling a majority of the business assets of a cemetery or a majority of its stock;

(7) Allows, for agreements entered into after August 28, 2010, a cemetery prearranged merchandise products contract to be canceled within 30 days of receipt of the executed contract and requires all payments to be fully refunded;

(8) Allows the division to direct a trustee, financial institution, or escrow agent to suspend the distribution of money from an endowed care trust fund if the cemetery operator is not licensed, has failed to file an annual report, or has failed to file a corrective action plan after an audit has revealed a deficiency; and

(9) Exempts, if a cemetery was owned by a city, any subsequent cemetery owner from liability for any deficiency existing prior to the city's ownership.

LICENSURE OF PRIVATE INVESTIGATORS

The bill:

(1) Requires each member of the Board of Private Investigators Examiners within the division to be a resident of the state for at least one year prior to his or her appointment and to be a registered voter;

(2) Increases, from two to five years, the term of a board member and allows him or her to serve consecutive terms;

(3) Repeals conflicting statutes created by the passage of House Bill 780 and Senate Bill 308 in 2007 regarding the board;

(4) Requires the division to employ board personnel, exercise all administrative functions, and deposit all fees collected into the Board of Private Investigators Examiners Fund;

- (5) Removes the exemption for licensure as a private investigator if an employer-employee relationship exists;
- (6) Clarifies the exemption for licensure as a private investigator for employees of profit and non-profit agencies making employee background checks;
- (7) Clarifies the exemption for licensure as a private investigator if the person is exclusively employed by or under an exclusive contract with a state agency or political subdivision;
- (8) Clarifies the exemption for licensure as a private investigator when legal process servers are conducting process-serving activities;
- (9) Requires the board, instead of the department, to be responsible for the review of applicants;
- (10) Specifies that an applicant can be denied a license if he or she has received a suspended imposition of sentence following a guilty plea to a misdemeanor offense involving moral turpitude or has been refused a license or had a license revoked or denied in the state or any other state;
- (11) Removes a provision regarding the licensure fee for an individual, an agency, or an employee of an agency and for license issued for less than a year;
- (12) Specifies the procedures for renewing a license;
- (13) Allows the board to establish all fees;
- (14) Requires a licensee to maintain records containing information relative to his or her employees and copies of contracts or court orders regarding the destruction, sealing, or return of certain records; and
- (15) Allows the board to issue a license to a private investigator trainer.

ARCHITECTS, ENGINEERS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS

The bill:

- (1) Increases the membership of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects from 14 to 15 by adding one more professional engineer;

- (2) Allows a landscape architect to serve as the chairperson of the board;
- (3) Gives all rights, powers, and duties available to the members of the architectural and professional engineering divisions of the board to the members of the professional land surveying and landscape architectural divisions of the board;
- (4) Allows certain faculty members of accredited schools of landscape architecture to serve on the board;
- (5) Establishes a sequential rotation for the appointment of a chairperson to the board;
- (6) Limits a chairperson to one, four-year term;
- (7) Authorizes the President of the Missouri Association of Landscape Architects to fill a board vacancy as other state associations are allowed to do;
- (8) Allows a person holding an inactive license as a professional land surveyor to use that title or the initials "PLS" after his or her name; and
- (9) Requires a licensee to prepare or personally supervise the preparation of all documents containing his or her personal seal and to only seal documents in areas in which he or she is qualified by education, training, and experience in the specific technical areas involved.

EXPANDED-FUNCTIONS PERMITS FOR CERTAIN DENTAL ASSISTANTS AND DENTAL HYGIENISTS

All dental assistants and dental hygienists must obtain a permit from the Missouri Dental Board within the department in order to perform expanded-functions duties. "Expanded-functions duties" are defined as reversible acts that would be considered the practice of dentistry that the board specifies by rule may be delegated to a dental assistant or dental hygienist who possesses an expanded-functions permit.

Nothing in the bill will be construed as making it unlawful for a licensed dentist to perform any dental services that would be considered expanded-functions duties or for dental assistants, certified dental assistants, or expanded-functions dental assistants to polish teeth. The board is prohibited from establishing any rule allowing the delegation of acts to a dental assistant which would conflict with the practice of dental hygiene. Expanded-functions permits must be renewed every five

years, and the board is authorized to establish rules regarding the issuance and renewal of the permits.

ADVANCED PRACTICE REGISTERED NURSES

An advanced practice registered nurse is added to the list of approved health care providers who are authorized to write a prescription to refer a patient to a physical therapist.

SUPERVISION REQUIREMENTS FOR PHYSICIAN ASSISTANTS

The State Board of Registration for the Healing Arts within the department is prohibited from requiring additional supervision requirements for a physician and physician assistant team prior to granting a supervision waiver to work in a rural health clinic as defined by the federal Rural Health Clinic Services Act if the minimum federal standards are met.

A physician assistant must be in a collaborative agreement with a supervising physician prior to prescribing or dispensing any drug, medicine, therapy, or device allowed by current law.

LICENSURE OF NURSES

An employer of nurses is required to have a system in place for verifying that the applicant for a position as a registered, licensed practical, or advanced practice registered nurse has a current valid license and to verify the licensure status at the time of the nurse's license renewal.

The bill also exempts a person from licensure as a nurse in Missouri if he or she holds an out-of-state license and is transporting a patient into, out of, or through the state and the transport does not exceed 48 hours.

COMPLAINTS AGAINST CERTAIN LICENSED PROFESSIONAL COUNSELORS

The State Committee for Professional Counselors within the department is allowed to remove unsubstantiated complaints made against licensed professional counselors by offenders who are in the custody of the Department of Corrections or who have been ordered into custody, detained, or held by the Department of Mental Health as sexually violent predators. Upon the written request of a licensed professional counselor subject to a complaint prior to August 28, 2010, by these offenders that did not result in disciplinary action, the committee and the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must destroy all documentation regarding the complaint, notify any other licensing board that was previously notified of the complaint of

its actions, and send a letter to the licensee clearly stating that the complaint was unsubstantiated.

LICENSURE OF SOCIAL WORKERS

The bill:

(1) Revises the definition of "master social work" to limit the supervision required of those in the practice of master social work to no more than 48 consecutive months for licensing purposes;

(2) Repeals the provisional license for clinical social workers; and

(3) Revises the definition of "qualified advanced macro supervisor," "qualified baccalaureate supervisor," and "qualified clinical supervisor" to be a licensed social worker who has supervised in the field of social work for at least five years. Currently, supervision is required for at least five uninterrupted years.

MARITAL AND FAMILY THERAPISTS

The State Committee for Marital and Family Therapists within the department is authorized to issue a provisional license to a person who is a graduate of a specified acceptable higher education institution with at least a master's degree in marital and family therapy, or its equivalent, and meets all requirements of a licensed marital and family therapist other than the specified required supervised clinical experience if he or she is supervised by a qualified person as defined by rule of the committee.

Any official, employee, board, commission, or agency of the state and any county, municipality, school district, or other political subdivision of the state is prohibited from discriminating between persons licensed as marital and family therapists when establishing rules or when requiring or recommending services that legally may be performed by these therapists.

LICENSURE OF WHOLESALE DRUG DISTRIBUTORS

Certain wholesale drug distributors who distribute drug-related devices in this state are exempted from obtaining a license for out-of-state distribution sites from the State Board of Pharmacy within the department if a licensed Missouri wholesale drug

distributor is responsible for all shipments received from the out-of-state distribution sites.

RESIDENTIAL CARE FACILITIES

The Missouri Board of Nursing Home Administrators within the Department of Insurance, Financial Institutions and Professional Registration is authorized to issue a separate license to the administrator of a residential care facility which was licensed as a residential care facility II on or before August 27, 2006, if it continues to meet all licensure standards for a residential care facility II in effect as of that date.

Anyone licensed to operate a residential care facility will not be considered authorized to operate any intermediate care or skilled nursing facility.

DISCIPLINARY ACTIONS AGAINST CERTAIN HEALTH CARE PROFESSIONALS

Home health agencies, nursing homes or facilities, or certain entities employing or contracting with licensed health care professionals are added to the list of health care providers that must report to the appropriate health care professional licensing authority any disciplinary action against any health care professional or the voluntary resignation of any professional against whom any complaints or reports have been made which might have led to disciplinary action.

HOSPITAL PREMISES LICENSES

The bill allows an applicant for or holder of a hospital license to define or revise the premises of a hospital campus to include tracts of property which are adjacent except for a common street or highway and its accompanying public right-of-way.

HCS HB 2231 -- DISPOSITION OF CREMATED HUMAN REMAINS

This bill allows a licensed funeral establishment to dispose of cremated human remains in accordance with a cremation contract except if otherwise prohibited by law.

Currently, a licensed funeral establishment is required to send written notice by certified mail, returned receipt requested, to the licensed funeral establishment or person who contracted for the cremation stating that the remains will be scattered or interred unless the remains are claimed and removed within 90

days. The bill removes the certified mail requirement and allows a licensed funeral establishment to send a written notice by regular mail, with confirmation of delivery, to the last known address of the person or funeral establishment that contracted for the cremation. The provision is also repealed which requires the notification of a scattering or interment of cremated remains to be published in a local newspaper if the mailed written notice cannot be delivered.

HCS HB 2262 & 2264 -- MISSOURI YOUTH CHALLENGE ACADEMY

This bill allows the Adjutant General to establish the Missouri Youth Challenge Academy for at-risk high school age youth. The residential military-based academy will provide work experience and training in life skills, citizenship, life-coping and academic skills, among others. The Missouri Youth Challenge Foundation Fund is created consisting of gifts, donations, appropriations, transfers, and bequests. The Adjutant General is authorized to make grants from the fund to support the academy.

The bill contains an emergency clause.

HB 2270 -- SAFE CARE PROVIDERS

This bill allows child abuse medical resource centers and providers receiving training from the Sexual Assault Forensic Examination Child Abuse Resource Education (SAFE CARE) network to collaborate directly or through the use of technology to promote improved services to children who are suspected victims of abuse and need a forensic medical examination by providing specialized training for forensic medical evaluations in a hospital, child advocacy center, or by a private health care professional without the need for a collaborative agreement between the child abuse medical resource center and a SAFE CARE provider. The SAFE CARE network must develop recommendations for medically based screening processes and forensic evidence collection for emergency examinations of children who are alleged victims of sexual assault and provide those recommendations to the SAFE CARE providers, child advocacy centers, hospitals, and licensed practitioners who provide these emergency examinations.

SCS HB 2285 -- CONVEYANCES OF STATE PROPERTY AND KEYS TO THE
CAPITOL DOME

This bill authorizes the Governor to convey certain state property and provides each member of the General Assembly with a key to access the State Capitol dome.

The Governor is authorized to convey:

- (1) State property and an easement in Nodaway County to the City of Maryville. The property is a state-owned airplane hanger located at the Maryville Airport used by the National Guard;
- (2) State property located at the Veterans Home in Cape Girardeau County to the City of Cape Girardeau, as well as a permanent easement and a temporary construction easement;
- (3) State property located at the Missouri Lottery Headquarters in Jefferson City to owners of certain private property for the purpose of vacating an easement;
- (4) State property in Cole County known as the Church Farm Bottoms;
- (5) State property at the Western Missouri Mental Health Center located in Kansas City in Jackson County;
- (6) State property located at the South East Missouri Mental Health Center located in the City of Farmington in St. Francois County;
- (7) State property located at the New Ballwin Mental Health Group Home located in St. Louis County;
- (8) State property located at the Warden's Residence at the Boonville Correctional Center in the City of Boonville in Cooper County;
- (9) State property located in Franklin County;
- (10) State property located at the Sunrise State School located in the City of Marshfield in Webster County; and
- (11) State property located at the Nevada Habilitation Center in the City of Nevada in Vernon County. A lease-purchase option for a portion of the property is authorized.

The Commissioner of the Office of Administration is required to provide each member of the General Assembly with a key which accesses the State Capitol dome.

SS HB 2290 -- PUBLIC ASSISTANCE BENEFITS

This bill changes the laws regarding public assistance benefits. In its main provisions, the bill:

(1) Requires the Children's Division within the Department of Social Services to develop rules that must be effective by July 1, 2011, modifying the income eligibility criteria for any person receiving state-funded child care assistance; and

(2) Allows, subject to appropriations, eligible child care recipients to pay a fee based on adjusted gross income and family size unit on a child care sliding fee scale established by the division. An individual receiving state-funded child care assistance whose income surpasses the annual appropriation level may continue to receive reduced subsidy benefits on a scale established by the division, at which time the person will have assumed the full cost of the maximum based child care subsidy benefits. The sliding scale may be waived by the division for a child with special needs. The maximum payment by the division will be the applicable rate minus the applicable fee.

CCS SCS HCS HB 2297 -- KANSAS CITY ZOOLOGICAL DISTRICT

This bill authorizes the establishment of the Kansas City Zoological District which may be composed of the counties of Cass, Clay, Jackson, and Platte at the option of the voters of each county. Each member county may impose, upon voter approval, a sales tax of up to 0.25% for the financial support of zoo activities within the district. However, the tax will not be effective in Cass, Clay, or Platte County unless Jackson County also collects the tax.

The district will be governed by a commission with up to 10 members as follows:

(1) One member of the governing body of each county that is part of the district;

(2) One member of the Kansas City, Missouri Board of Parks and Recreation;

(3) The Executive Director of the Zoo; and

(4) One member appointed by the governing body of each eligible county from a list of candidates provided by the Friends of the Zoo, Incorporated. The Friends of the Zoo, Incorporated, will provide a list of three names to the governing body of each county. Each candidate must be at least 21 years of age, and a resident and registered voter of the county which will be appointing them. Jackson County must appoint its member by a simple majority vote. The counties of Cass, Clay, and Platte must appoint a member with a unanimous vote.

The administrative expenses of the district incurred during the first six months after its creation must be appropriated to the commission by the member counties; thereafter, the district will be financed by the sales tax revenues collected and deposited into the newly created Kansas City Zoological District Sales Tax Trust Fund. Five years after its creation, the commission will be authorized to borrow money for the construction, operation, improvement, and maintenance of zoo facilities. The commission must submit an annual report to the governing body of each member county; the Kansas City, Missouri Board of Parks and Recreation; and the Friends of the Zoo, Incorporated, detailing the commission's operations and transactions.

SS SCS HB 2317 -- CONVEYANCES OF STATE PROPERTY AND KEYS TO THE CAPITOL DOME

This bill authorizes the Governor to convey certain state property and provides each member of the General Assembly with a key to access the State Capitol dome.

The Governor is authorized to convey:

(1) State property located at the Veterans Home in Cape Girardeau County to the City of Cape Girardeau, as well as a permanent easement and a temporary construction easement;

(2) State property located at the Missouri Lottery Headquarters in Jefferson City to owners of certain private property for the purpose of vacating an easement;

- (3) State property in Cole County known as the Church Farm Bottoms;
- (4) State property at the Western Missouri Mental Health Center located in Kansas City in Jackson County;
- (5) State property and an easement in Nodaway County to the City of Maryville. The property is a state-owned airplane hanger located at the Maryville Airport used by the National Guard;
- (6) State property located at the South East Missouri Mental Health Center located in the City of Farmington in St. Francois County;
- (7) State property located at the New Ballwin Mental Health Group Home located in St. Louis County;
- (8) State property located at the Warden's Residence at the Boonville Correctional Center in the City of Boonville in Cooper County;
- (9) State property located in Franklin County;
- (10) State property located at the Sunrise State School located in the City of Marshfield in Webster County; and
- (11) State property located at the Nevada Habilitation Center in the City of Nevada in Vernon County. A lease-purchase option for a portion of the property is included.

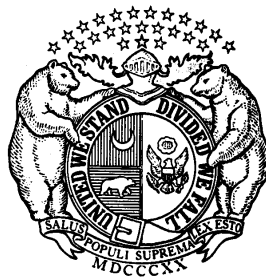
The Commissioner of the Office of Administration is required to provide each member of the General Assembly with a key which accesses the State Capitol dome.

**TRULY AGREED
TO
AND FINALLY
PASSED**

SENATE BILLS

**SECOND REGULAR SESSION
95th GENERAL ASSEMBLY**

2010



**Prepared by
House Research Staff**

SS SB 578 -- PORT AUTHORITIES

This bill changes the laws regarding port authorities. In its main provisions, the bill:

(1) Authorizes every local and regional port authority, except those located in Clay County, to:

(a) Establish a port improvement district;

(b) Carry out certain specified projects;

(c) Levy, upon voter approval, a sales and use tax, a real property tax, or both within the boundaries of the district for the purpose of paying project costs. Railroad property cannot be taxed unless the property's owner agrees to the levy in writing. The sales tax must be levied in increments of one-eighth of 1% but cannot exceed 1%; and

(d) Pledge all revenues generated by any district and any other port authority revenue source to the repayment of any outstanding obligations;

(2) Requires any matching grants awarded by the Highways and Transportation Commission under the Port Capital Improvement Program to be transportation related;

(3) Authorizes a local and regional port authority that is a political subdivision to issue revenue bonds or notes to finance port improvement projects;

(4) Requires any expenditure, including professional service contracts, that is more than \$25,000 to be competitively bid by the port authority;

(5) Allows a local or regional port authority to dissolve if it has no outstanding obligations;

(6) Establishes the Port Improvement District Act which allows a port authority to establish one or more port improvement districts within its boundaries for the purpose of funding qualified project costs associated with an approved port authority improvement project;

(7) Specifies the procedures for forming a district, the notification process of public hearings, and the procedures for terminating a district; and

(8) Requires the board of a port authority to submit an annual report regarding the district's services provided, revenues collected and expended during the fiscal year, and copies of approved written resolutions. The report must be submitted to the municipal or county clerk and the Department of Transportation within 120 days after the port authority's fiscal year ends and requires an annual report to the State Auditor in accordance with Section 105.145, RSMo, if the voters of the district have approved a real property tax, sales and use tax, or both.

HCS SCS SB 583 -- INSURANCE REGULATION

This bill changes the laws regarding the regulation of insurance.

PAYMENTS FROM THIRD-PARTY PAYERS TO THE MO HEALTHNET DIVISION (Section 208.215, RSMo)

The bill changes the laws regarding the authority of the MO HealthNet Division within the Department of Social Services to collect payments from third-party payers. In its main provisions, the bill:

(1) Requires health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers to process and pay properly submitted medical assistance or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms:

(a) For a period of three years from the date of services that were provided by an entity. The entity cannot be required to reimburse for items or services not covered by MO HealthNet; cannot deny a claim based on the date of submission, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization; cannot be required to reimburse for items or services previously submitted to the third-party payer by the provider or the participant and the claim was properly denied for procedural reasons; and cannot be required to reimburse for items or services which are not covered under the plan offered by the entity against which a claim form for subrogation has been filed. An entity must reimburse for items or services to the same extent that the entity would have been liable if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid if properly billed at the point of sale; and

(b) If the state enforces its right to a claim within six years of the submission of the claim; and

(2) Allows computerized records of the division, if certified by the division director or his designee, to be considered prima facie evidence of proof of moneys expended and the amount of the debt due the state.

TRAILER DEALER LIABILITY INSURANCE (Section 301.560)

Currently, a trailer dealer is required to provide a copy of a current dealer garage liability insurance policy when submitting his or her licensure application. The bill removes this requirement.

NONRESIDENT MOTORIST FINANCIAL RESPONSIBILITY (Sections 303.025 and 303.040)

A nonresident motorist operating a vehicle within the state is required to maintain financial responsibility that meets the requirements of his or her state. If a nonresident motorist is found guilty of not maintaining financial responsibility, he or she will have his or her driving privileges suspended in Missouri and the Director of the Department of Revenue must notify the appropriate official of his or her state.

An uninsured nonresident motorist involved in an accident in this state and the responding law enforcement must notify the department director of the accident, and any resident motorist involved in an accident with an uninsured nonresident motorist may report it to the department director.

DISCLOSURE OF HEALTH INSURANCE INFORMATION (Sections 354.442 and 376.1450)

The bill allows an insurer to provide health insurance information regarding an enrollee's health benefit plan online unless a paper copy is requested by the enrollee by written, oral, or electronic means. Requests for a paper copy must be provided to the enrollee within 15 business days of the request.

LIFE INSURANCE PRODUCER LICENSE EXAMINATIONS (Section 375.024)

The Director of the Department of Insurance, Financial Institutions and Professional Registration or a vendor under contract with the department is required to review life insurance producer license examinations if, during any 12-month period beginning on September 1, the overall pass rate of first-time

examinees is less than 70%. The department must collect certain specified demographic information, in conformance with the appropriate privacy laws, from examinees and compile an annual report based on the review. The report must indicate if there was any disparity in the pass rate based on the demographic information. The department director may establish procedures to collect the necessary information to implement the provisions of the bill. Beginning December 1, 2011, the department director must deliver an annual report on the review to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and President Pro Tem of the Senate no later than December 1.

REGULATORY ACTIONS AGAINST INSURANCE COMPANIES OPERATING IN HAZARDOUS FINANCIAL CONDITIONS (Sections 375.539 and 375.1255)

The Director of the Department of Insurance, Financial Institutions and Professional Registration is authorized to determine whether an insurance company is in a hazardous financial condition. The department director may deem any property or casualty insurance company which has any policy in force with a net retained risk that exceeds 10% of the company's capital and surplus to be in a hazardous financial condition. The bill specifies the factors for the department director to consider when determining whether an insurance company may be in a hazardous financial condition. The department director may consider adverse findings reported in financial condition and market conduct examination reports, audit reports, and actuarial opinions, reports, or summaries when determining whether the continued operation of the insurer may be hazardous to Missouri's policyholders, creditors, or the general public. If the department director determines that the continued operation of an insurer may be hazardous, the department director may issue an order requiring the insurer to take various actions including requiring the insurer to reduce its total amount of present and potential liability for policy benefits by reinsurance, reduce its volume of business, increase its capital and surplus, or document the adequacy of premium rates in relation to the risks insured. Any insurer subject to an order from the department director can request a hearing to be conducted in private unless the insurer requests a public hearing.

Risk-based capital (RBC) reporting requirements for property and casualty insurance companies are revised to allow the department to require a property and casualty insurance company to take action if its risk-based capital fails the National Association of Insurance Commissioners (NAIC) RBC trend test. The RBC trend test for property and casualty insurance companies is specified as a company action level event where the insurer has total

adjusted capital which is greater than or equal to its Company Action Level RBC but less than the product of its Authorized Control Level RBC and 3.0 triggers the trend test determined in accordance with the trend test calculation included in the Property and Casualty RBC report instructions. Risk-based capital tests the adequacy of an insurance company's capital to meet the risks posed by its investment portfolio and the types and volume of insurance it underwrites.

INSURERS SUPERVISION, REHABILITATION AND LIQUIDATION ACT (Sections 375.1152, 375.1155, and 375.1191)

The bill changes the laws regarding the Insurers Supervision, Rehabilitation and Liquidation Act to provide for the treatment of qualified financial contracts in insurance insolvency proceedings. In its main provisions, the bill:

- (1) Defines "qualified financial contract" as a commodity contract, forward contract, repurchase agreement, securities contract, swap agreement, and any similar agreement that the department director determines by rule to be a qualified financial contract and "netting agreement" as a contract or agreement that documents one or more transactions between the parties to the agreement for or involving one or more qualified financial contracts and that provides for the netting, liquidation, setoff, termination, acceleration, or close out under or in connection with one or more qualified financial contracts or present or future payment or delivery obligations or payment of delivery entitlements thereunder among the parties to the netting agreement;
- (2) Specifies that the commencement of a delinquency proceeding does not operate as a stay or prohibition of any right to cause of netting, liquidation, setoff, termination, acceleration, or close out of obligations or an enforcement of any security agreement or other credit guarantee in connection with any netting agreement or qualified financial contract;
- (3) Requires any net or settlement amount owed under a qualified financial contract by the nondefaulting party to an insurer to be transferred to or on the order of the receiver for the insurer;
- (4) Requires a receiver to transfer all netting agreements and qualified financial contracts between an insurer and a single counterparty and its affiliates together if a bulk transfer of insurer liabilities or contracts is made by the receiver;

(5) Prohibits a receiver from avoiding a transfer of money or property under a netting agreement or qualified financial contract made prior to the commencement of a formal delinquency proceeding unless the transfer was made with the intent to hinder, delay, or defraud the insurer, a receiver appointed for the insurer, or existing or future creditors; and

(6) Requires the receiver for the insurer to disaffirm or repudiate all contracts if the receiver disaffirms or repudiates any qualified financial contract or netting agreement with a counterparty and establishes the amount of the counterparty's claim in the event of disaffirmance or repudiations. The amount of a claim for damages must be the actual direct compensatory damages determined as of the date of the disaffirmance or repudiation of the netting agreement or qualified financial contract.

LIQUIDATION OF CERTAIN DOMESTIC INSURANCE COMPANIES (Section 375.1175)

A domestic insurance company that is organized as a stock insurance company is allowed to voluntarily dissolve and liquidate as a corporation if the Director of the Department of Insurance, Financial Institutions and Professional Registration approves the articles of dissolution prior to filing the articles with the Secretary of State and the company files a copy of the director's approval along with the articles of dissolution with the Secretary of State.

In determining whether to approve a dissolution, the department director must consider whether the insurers' annual financial statements show no written insurance premiums for five years, the insurer has demonstrated that all policyholder claims have been satisfied or transferred to another insurer, and an examination pursuant to Sections 374.202 - 374.207, RSMo, has been completed within the last five years.

MISSOURI LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT (Sections 376.717, 376.718, 376.724, 376.725, 376.732 - 376.735, 376.737, 376.738, 376.740, 376.743, and 376.758)

The laws regarding the Missouri Life and Health Insurance Guaranty Association Act are revised to make them consistent with the model act adopted by the National Association of Insurance Commissioners. The bill:

(1) Clarifies that structured settlement annuities are covered by the guaranty association and are subject to a cap of \$250,000

and specifies the rules for determining how the responsibility for coverage of these types of annuities is allocated among state guaranty associations;

(2) Expands the list of areas in which the guaranty association will not provide coverage including:

(a) Any portion of a policy or contract to the extent that the required assessments are preempted by federal or state law;

(b) An obligation that does not arise under the express written terms of the policy or contract issued by the insolvent insurer;

(c) Certain contracts which establish benefits by reference to a portfolio of assets not owned by the insurer;

(d) An unallocated annuity contract;

(e) Certain types of indexed policies; and

(f) A policy providing any hospital, medical, prescription drug, or other health care benefits pursuant to Part C or Part D of Subchapter XVIII, Chapter 7 of Title 42 of the United States Code, commonly known as Medicare Part C & D, or any of its regulations;

(3) Defines the "principal place of business" of a corporation for the purpose of applying the residency test that determines which state guaranty association has coverage responsibility;

(4) Makes several technical changes regarding:

(a) The guaranty association's options in providing coverage;

(b) The handling of terminated policies;

(c) The guaranty association's standing to appear or intervene in litigation;

(d) The guaranty association's assignment and subrogation rights;

(e) The guaranty association's general powers and the handling of reinsurance contracts;

(f) The handling of assessments of insurers to fund the guaranty association's operations; and

(g) Additional requirements for the association's plan of operation; and

(5) Exempts any member insurer who is impaired or insolvent prior to August 28, 2010, from these provisions.

HEALTH INSURANCE FOR ADOPTED CHILDREN (Section 376.816)

All health carriers or health benefit plans, except Missouri Medicaid plans, which are issued, delivered, continued, or renewed to a Missouri resident on or after January 1, 2011, are required to include coverage for adopted children on the same basis as other dependents of the enrollee.

MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE POLICIES (Sections 376.882 and 376.1109)

When any federal Medicare supplement or long-term care insurance policy issued, delivered, or renewed in Missouri on or after January 1, 2011, is canceled for any reason, the insurer must refund the unearned portion of any premium paid beyond the month in which the cancellation is effective. Any refund must be returned to the policyholder within 20 days from the date the insurer receives notice of the cancellation. A policyholder may cancel a federal Medicare supplement policy by sending a written or electronic notification.

A long-term care insurance policy must contain a notice which informs an applicant that he or she is entitled to a refund of unearned premiums if the policy is canceled for any reason.

CHILDREN'S INSURANCE ELIGIBILITY (Section 1)

The Department of Social Services is required to provide all state-licensed child-care providers who receive federal or state aid and all public school districts with written information regarding the eligibility criteria and application procedures for obtaining health insurance coverage through the State Children's Health Insurance Program (SCHIP). This information is to be distributed to the parents at the time of enrollment. The Department of Elementary and Secondary Education is required to add an attachment to the application for the free and reduced lunch program which will require the parent or guardian to check a box indicating whether the child has health insurance. If the child does not have health insurance and the parent or guardian's income does not exceed the highest level established by federal law, the school district must provide a notice to the parent or guardian that the uninsured child may qualify for health

insurance coverage under SCHIP. The Department of Elementary and Secondary Education, in collaboration with the Department of Social Services, must submit an annual report to the Governor and the committee chairs of the House of Representatives Budget Committee and the Senate Appropriations Committee on the number of families in each district receiving free or reduced lunches, the number of families that indicated the absence of health insurance coverage on the forms, the number of families that received information on SCHIP, and the number of families who applied for coverage under SCHIP because of the receipt of the information.

The substitute contains an emergency clause for the provisions regarding health insurance coverage through SCHIP.

HCS SS SCS SB 586 & 617 -- SEXUALLY ORIENTED BUSINESSES

This bill regulates sexually oriented businesses by limiting their geographic location, ownership interests, state of dress and actions of persons within the sexually oriented business, minimum age of patrons, use or sale of alcohol on site, hours of operation, and location of private viewing booths within the sexually oriented business and specifies the penalties for violations of these restrictions. Nothing in the bill will be construed as preempting or preventing any political subdivision from maintaining, enacting, or enforcing a provision which is stricter than but not inconsistent with these provisions.

SS SCS SB 588 -- PROPERTY TAX ASSESSMENT NOTICES

Currently, assessors in counties without a charter form of government must give taxpayers a projected tax liability notice with the notice of increased assessed valuation beginning January 1, 2011. This bill extends the effective date for the projected tax liability notice requirements for assessors in counties without a charter form of government and Jefferson County to January 1 of the year following receipt of the necessary software from the State Tax Commission and requires all assessors in counties without a charter form of government and Jefferson County to provide property owners additional information with the notice of increased assessed valuation. The notice must include the previous assessed value and any increase, a statement indicating that the change in assessed value may impact the record owner's tax liability, and information

regarding the processes and deadlines for appealing determinations of the assessed valuation.

Beginning January 1, 2011, in St. Louis County, the assessor must provide taxpayers with a notice that information regarding the assessment method and computation of the value for real property is available on the assessor's web site, the web site address, and the assessor's contact information so taxpayers without Internet access can request and received the information.

SCS SB 630 -- MANUFACTURED HOMES

This bill changes the laws regarding manufactured homes. In its main provisions, the bill:

- (1) Requires a manufactured home to be permanently affixed if it is anchored to real estate by attachment to a permanent foundation and connected to residential utilities to qualify as real property and requires an affidavit of affixation to contain certain specified information and to be filed with the recorder of deeds of the county in which the real estate is located;
- (2) Allows a manufactured home once deemed to be real estate to be governed by the laws applicable to real estate;
- (3) Requires a certified copy of an affidavit of severance to be filed with the Director of the Department of Revenue when a manufactured home is removed from its permanent foundation stating the name, residence, and mailing address of the owner as well as the property description and any information that could affect the validity of the title of the manufactured home or the existence of a security interest or lien;
- (4) Prohibits the department director from issuing a certificate of title to a manufactured home when an affidavit of affixation has been recorded. The issuance is only allowed upon the recording of an affidavit of severance. The department director must maintain a record of each affidavit of affixation and each affidavit of severance;
- (5) Requires the department to establish standard affidavit of affixation forms, affidavit of severance forms, and confirmation of conversion forms that comply with the provisions of Section 700.111, RSMo;

(6) Authorizes the Missouri Public Service Commission to suspend, revoke, or place on probation the license of a manufactured home dealer for failure to obtain a written notice signed and dated by the purchaser of a used manufactured home or modular unit which states that the commission does not regulate the setup of used manufactured homes and modular units sold by the dealer;

(7) Requires a lienholder to notify the department director within 10 business days of any release of a lien if an electronic certificate of ownership is being held by the department director;

(8) Requires the holder of any security interest in a manufactured home to verify to the department that he or she has paid all past due rent which the holder is obligated to pay to the landowner if the home was repossessed;

(9) Specifies the conditions which determine a manufactured home to be abandoned when located on another person's property;

(10) Changes the process for enforcing liens for unpaid rent against a manufactured home. Landowners must provide the homeowner with written notice prior to enforcing the lien and give him or her the opportunity to pay any rent owed. The notice must advise the homeowner of his or her legal rights including the right to contest the lien; and if the homeowner does not redeem the home within 30 days from the date of mailing the notice and no petition has been filed in circuit court to contest the lien within 10 days of the receipt of the notice, the landowner may apply for a certificate of title;

(11) Authorizes the landowner to begin proceedings to sell a home within 30 days of receipt of the lien title;

(12) Requires the homeowner to be given at least 20 days' notice of the sale of a home;

(13) Specifies how the proceeds of a sale are to be distributed;

(14) Allows an owner of an abandoned manufactured home to contest a lien brought by the landowner by filing a petition within 10 days of the mailing of the notice in the appropriate circuit court; and

(15) Prohibits perfected lienholders or homeowners of an abandoned manufactured home located on property which is being

leased from removing the home until the landlord is paid any rent owed.

The provisions regarding a manufactured home as real property become effective March 1, 2011.

SCS SB 644 -- LOCAL TOURISM TAXES

This bill changes the laws regarding taxes for tourism, convention and exhibition facilities, and recreational facility districts. In its main provisions, the bill:

- (1) Authorizes the City of Jefferson City to impose, upon voter approval, a transient guest tax of up to 7% per occupied room per night for promoting the city as a convention, visitor, and tourist center. Currently, the city is allowed to impose a tax of up to 5% per occupied room per night;
- (2) Authorizes the City of Excelsior Springs to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night for the promotion of tourism;
- (3) Authorizes Montgomery County to impose, upon voter approval, a transient guest tax of between 2% and 5% per occupied room per night for the promotion of tourism;
- (4) Authorizes real property owners located in the counties of Caldwell, Clinton, Daviess, and DeKalb to petition the governing bodies to seek voter approval for the creation of an exhibition center and recreational facility district and to impose a one-quarter of 1% sales tax for a period of up to 25 years to fund the district;
- (5) Allows the City of St. Joseph and Buchanan County to also use transient guest tax revenue for capital expenditures related to the promotion of tourism and convention facilities. Currently, the tax revenue may only be used for the promotion of tourism and convention facilities; and
- (6) Authorizes the City of St. Joseph to contract with Buchanan County to share transient guest tax revenues to promote tourism and for the construction, maintenance, and improvement of a convention center and recreational facilities.

SB 649 -- GIRL SCOUT DAY

This bill requires the Governor to issue an annual proclamation designating March 12 as "Girl Scout Day."

CCS HCS SCS SB 733 -- HIGHER EDUCATION

This bill changes the laws regarding the Higher Education Academic Scholarship Program, commonly known as the Bright Flight Scholarship Program; the Access Missouri Financial Assistance Program; and higher education research technology transfer.

BRIGHT FLIGHT SCHOLARSHIP PROGRAM

A student must be a Missouri resident in order to be eligible for a Bright Flight scholarship, and eligibility is expanded to include a student who has received a General Education Development (GED) diploma, completed a homeschooling program, secondary coursework through a virtual public school, or other academic instruction program that satisfies the compulsory school attendance law. A student's qualifying score for the scholarship will be determined at the beginning of his or her last year of secondary coursework. Currently, a student scoring in the top 4% and 5% of Missouri ACT or SAT test-takers receives a \$1,000 scholarship. The bill clarifies that all students in the top 3% will receive their awards of up to \$3,000 before any student in the top fourth or fifth percentiles receives an award of up to \$1,000.

Currently, a student is allowed to receive a renewal scholarship for three more years. The bill allows a student's scholarship to be renewed for as long as he or she is in compliance with the program's renewal requirements. If a scholarship recipient cannot attend an approved institution because of military service in any branch of the Armed Forces of the United States, the student will be offered the scholarship if he or she returns to full-time status within six months after ending the military service and verifying to the Coordinating Board for Higher Education that the service was satisfactorily completed.

ACCESS MISSOURI FINANCIAL ASSISTANCE PROGRAM

Currently, students at public four-year institutions, including Linn State Technical College, and private institutions receive a maximum amount of financial assistance awards of \$2,150 and \$4,600 respectively from the Access Missouri Financial Assistance

Program. Beginning with the 2014-2015 academic year, the bill combines the categories for these schools into one with a \$2,850 maximum and a \$1,500 minimum award and increases the maximum award for community colleges from \$1,000 to \$1,300. Any award amount will be reduced by the amount of a student's payment from the A+ Schools Program or any successor program.

The bill also repeals the current expiration date of the Access Missouri Financial Assistance Program and specifies that any provisions regarding a termination date will not apply to that program.

HIGHER EDUCATION RESEARCH TECHNOLOGY TRANSFER

The bill specifies that an entity in which an institution of higher education holds an ownership or membership interest will not be deemed to be a public governmental or quasi-public governmental body as it relates to the Open Meetings and Records Law, commonly known as the Sunshine Law, if the entity is engaged primarily in activities involving current or prospective commercialization of the skills or knowledge of the institution's faculty or of the institution's research, research capabilities, intellectual property, technology, or technological resources and the institution maintains as an open record an annual report, available no later than October 1, identifying specified information. Meetings, records, and votes may be closed to the extent that they relate to records or information submitted in connection with a proposal or agreement to license intellectual property or perform sponsored research involving students, faculty, or staff or to promote or pursue economic development and which contain sales projections or other business plan, financial information, or trade secrets of which the disclosure may endanger the competitiveness of a business.

The bill contains an emergency clause for the provisions regarding higher education research technology transfer.

HCS SB 739 -- FIRE DEPARTMENT EMPLOYEE RESIDENCY REQUIREMENTS

Currently, upon approval of the board of aldermen, a fire department employee is not required to live within the fire department's geographical boundaries if the only public school district in the area has been unaccredited or provisionally accredited in the last five years of the person's employment, and any fire department employee of the City of St. Louis who lives outside the city limits must forfeit 1% of his or her salary to

offset any lost revenue for the city unless voters of the city vote to prevent the enforcement of the 1% forfeiture.

This bill removes the provision regarding the salary forfeiture and the required approval of the board of alderman regarding residency. The bill also specifies that any employee who has worked seven years for a fire department cannot be required to comply with the residency requirement but must reside within a one-hour response time if the only school district in the area is or has been unaccredited or provisionally accredited in the last five years of the person's employment.

SB 753 -- INVESTMENT OF CERTAIN CEMETERY TRUST FUNDS

This bill allows a county commission that serves as the trustee of a trust fund for a cemetery to invest the fund in certificates of deposit.

CCS#2 HCS SCS SB 754 -- PROFESSIONS, FACILITIES, AND COUNCILS

This bill changes the laws regarding the electronic death registration system; an asset exemption for certain prearranged funeral and burial contracts; endowed care cemeteries; regulations of the Department of Insurance, Financial Institutions and Professional Registration; and residential care facilities and establishes the Missouri Eating Disorder Council.

ELECTRONIC DEATH REGISTRATION SYSTEM

All data providers in the death registration process, including the State Registrar, local registrars, medical examiners, coroners, funeral directors, embalmers, sheriffs, physicians, and medical officers of certain facilities providing medical care are required to use the electronic death registration system within six months of it being certified by the Department of Health and Senior Services to be operational and available to all data providers.

The State Registrar may adopt a pilot program or voluntary electronic death registration program until the system can be certified. However, no pilot program must prevent the filing of a death certificate with the local registrar or the ability to obtain a certified copy of a death certificate until six months after the system is certified as operational. The department

must have in place, within 18 months of certification of the electronic death registration system, a system to allow a funeral director filing a death certificate to print a certified copy of the certificate after it has been electronically registered at a licensed funeral establishment.

ASSET EXEMPTION FOR CERTAIN PREARRANGED FUNERAL AND BURIAL CONTRACTS

The bill specifies that in determining eligibility and the amount of benefits to be granted under federally aided state public assistance programs, the value of any life insurance policy where a seller or provider is made the beneficiary or the policy is assigned to a seller or provider, either being in consideration for an irrevocable prearranged funeral contract under Chapter 436, will not be taken into account or considered an asset of the beneficiary named in the irrevocable prearranged funeral contract.

ENDOWED CARE CEMETERIES

The bill:

(1) Allows a county commission that serves as the trustee of a trust fund for a cemetery to invest the fund in certificates of deposit;

(2) Repeals the requirement that any court action to grant an injunction, restraining order, or other order to bring suit against a cemetery operator upon application by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must be commenced in the county in which the illegal action occurred or in the county in which the operator resides;

(3) Requires all contracts sold by cemetery operators for cemetery services or for graves, cemetery markers, crypts, and other burial receptacles to meet certain requirements. If these requirements are not met, all payments will be recoverable by the purchaser plus 10% interest and any reasonable collection costs including attorney fees;

(4) Requires any person, entity, or political subdivision that purchases, receives, or holds real estate used for the burial of human remains, excluding a family burial ground, to notify the Office of Endowed Care Cemeteries within the department of the name, location, and address of the real estate before October 1, 2010, or within 30 days of acquiring the land;

(5) Exempts cemetery operators from the provisions of Chapter 436 regarding prearranged funeral contracts for the sale of cemetery services or for graves, cemetery markers, crypts, and other burial receptacles but prohibits them from adjusting or establishing prices for items with the intent of evading the trust or escrow provisions of the chapter. Provisions related to deposits into endowed care trust funds based on the sales price of certain products are revised;

(6) Removes the provisions requiring a financial institution serving as the trustee of an endowed care trust to be located in Missouri but requires all activities of the trust to be controlled by Missouri law and all funds held in trust to remain in Missouri;

(7) Requires a cemetery operator to notify the division in writing at least 30 days prior to selling a majority of the business assets of a cemetery or a majority of its stock;

(8) Allows, for agreements entered into after August 28, 2010, a cemetery prearranged merchandise products contract to be canceled within 30 days of receipt of the executed contract and requires all payments to be fully refunded;

(9) Allows the division to direct a trustee, financial institution, or escrow agent to suspend the distribution of money from an endowed care trust fund if the cemetery operator is not licensed, has failed to file an annual report, or has failed to file a corrective action plan after an audit has revealed a deficiency; and

(10) Exempts, if a cemetery was owned by a city, any subsequent cemetery owner from liability for any deficiency existing prior to the city's ownership.

DISABLED LICENSE PLATES

The bill adds physician assistants to the list of health care professionals who are authorized to furnish a physician's statement to obtain a disabled license plate or placard.

SUPERVISION REQUIREMENTS FOR PHYSICIAN ASSISTANTS

The State Board of Registration for the Healing Arts within the department is prohibited from requiring additional supervision requirements for a physician and physician assistant team prior to granting a supervision waiver to work in a rural health clinic

as defined by the federal Rural Health Clinic Services Act if the minimum federal standards are met.

A physician assistant must be in a collaborative agreement with a supervising physician prior to prescribing or dispensing any drug, medicine, therapy, or device allowed by current law.

COMPLAINTS AGAINST CERTAIN LICENSED PROFESSIONALS

The State Committee for Professional Counselors within the department is allowed to remove unsubstantiated complaints made against licensed professional counselors by offenders who are in the custody of the Department of Corrections or who have been ordered into custody, detained, or held by the Department of Mental Health as sexually violent predators. Upon the written request of a licensed professional counselor subject to a complaint prior to August 28, 2010, by these offenders that did not result in disciplinary action, the committee and the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must destroy all documentation regarding the complaint, notify any other licensing board that was previously notified of the complaint of its actions, and send a letter to the licensee clearly stating that the complaint was unsubstantiated.

PHARMACY RECORD KEEPING

The bill allows licensed pharmacies to keep their records through a suitable electronic record-keeping system if the original written and faxed prescriptions are physically maintained on file at the pharmacy as required by federal law. All electronic records must be readily retrievable, maintain the original prescription, and show any annotations reflecting any changes in the prescription.

REAL ESTATE BROKERS

The bill changes the laws regarding the regulation of real estate brokers and salespersons to include limited partnerships, limited liability companies, and professional corporations and specifies that "real estate broker" will include these types of companies and "real estate salesperson" will include any person, partnership, limited partnership, limited liability company, association, professional corporation, or domestic or foreign corporation who has a valid real estate broker license and receives compensation from a real estate broker. A real estate broker-salesperson may not also operate as a real estate broker.

The Missouri Real Estate Commission within the department is required upon receiving notice from the Department of Revenue that a licensee is delinquent in paying his or her taxes to immediately send a copy of the notice to the broker with which the licensee is associated.

RESIDENTIAL CARE FACILITIES

The Missouri Board of Nursing Home Administrators within the Department of Insurance, Financial Institutions and Professional Registration is authorized to issue a separate license to the administrator of a residential care facility which was licensed as a residential care facility II on or before August 27, 2006, if it continues to meet all licensure standards for a residential care facility II in effect as of that date.

Anyone licensed to operate a residential care facility will not be considered authorized to operate any intermediate care or skilled nursing facility.

EATING DISORDER COUNCIL

The bill establishes within the Department of Mental Health the Missouri Eating Disorder Council. The department, in collaboration with other state agencies and in consultation with the council, is required to develop and implement certain educational and awareness programs regarding eating disorders.

SB 758 -- BONDS ISSUED BY THE BI-STATE DEVELOPMENT AGENCY

This bill extends from 30 to 40 years the time period in which notes, bonds, and other instruments in writing issued by the Bi-State Development Agency must mature.

SB 771 -- DEPOSITARIES FOR COUNTY FUNDS

This bill clarifies that the amount of the certified check that accompanies a bid from a banking corporation or association to be the depositary of county funds must be no less than the proportion of 1.5% of the county general revenue, instead of all county revenue, for the preceding year as the sum of the part of funds bid for bears to the whole number of the parts.

SCS SB 772 -- MISSOURI HIGHER EDUCATION SAVINGS PROGRAM

Currently, the minimum time for holding investments in the Missouri Higher Education Savings Program is 12 months. This bill removes the 12-month holding requirement and the expiration date for the provisions regarding the Missouri Higher Education Deposit Program.

SCS SB 774 -- DEPARTMENT OF MENTAL HEALTH

This bill changes the laws regarding Department of Mental Health protection measures and overdue patient accounts for mental health services.

DEPARTMENT OF MENTAL HEALTH PROTECTION MEASURES

The crime of endangering a Department of Mental Health employee, a visitor or other person at a secure facility, or another offender is created when a person committed to the department for treatment attempts to cause or knowingly causes one of these individuals to come into contact with blood, seminal fluid, urine, feces, or saliva. Anyone committing this crime will be guilty of a class D felony unless the substance is unidentified in which case it will be a class A misdemeanor. If the person committing the crime is knowingly infected with the human immunodeficiency virus (HIV), hepatitis B, or hepatitis C and exposes another person to the illness in the commission of the crime, he or she will be guilty of a class C felony.

OVERDUE PATIENT ACCOUNTS FOR MENTAL HEALTH SERVICES

Currently, an overdue patient account of a residential facility or day program under the control of the Department of Mental Health submitted to a court for collection must be certified by the head of the residential facility or day program, with the seal of the institution attached, in order to constitute prima facie evidence of the amount due. The bill requires the certification to be completed by the department director or his or her designee instead of the head of the facility or program.

HCS SCS SB 777 -- BOAT SLIPS, AUTOMATED TELLER MACHINES, INSURANCE COMPANIES, AND LOANS

This bill changes the laws regarding boat and watercraft slips, automatic teller machines, regulation of insurance companies, and financial products associated with certain loan transactions.

BOAT AND WATERCRAFT SLIPS (Section 339.503, RSMo)

The bill defines "boat slip" or "watercraft slip" for the purposes of the Real Estate Appraisers Act as a defined area of water which is a part of a boat dock serving a common interest community and is to be considered real property. The rights of a real estate owner in a slip are to be included as collateral in any deed of trust and uniform commercial code filing of a lender taking a security interest in the owner's real estate.

AUTOMATED TELLER MACHINES (Section 362.111)

An owner or operator of an automated teller machine (ATM) is allowed to charge an access fee or surcharge to an individual conducting a transaction using a foreign bank account. Currently, foreign banks may charge fees, but domestic ones cannot.

REGULATORY ACTIONS AGAINST INSURANCE COMPANIES OPERATING IN HAZARDOUS FINANCIAL CONDITIONS (Sections 375.539 and 375.1255)

The Director of the Department of Insurance, Financial Institutions and Professional Registration is authorized to determine whether an insurance company is in a hazardous financial condition. The department director may deem any property or casualty insurance company which has any policy in force with a net retained risk that exceeds 10% of the company's capital and surplus to be in a hazardous financial condition. The bill specifies the factors for the department director to consider when determining whether an insurance company may be in a hazardous financial condition. The department director may consider adverse findings reported in financial condition and market conduct examination reports, audit reports, and actuarial opinions, reports, or summaries when determining whether the continued operation of the insurer may be hazardous to Missouri's policyholders, creditors, or the general public. If the department director determines that the continued operation of an insurer may be hazardous, he or she may issue an order requiring the insurer to take various actions including requiring the insurer to reduce its total amount of present and potential liability for policy benefits by reinsurance, reduce its volume

of business, increase its capital and surplus, or document the adequacy of premium rates in relation to the risks insured. Any insurer subject to an order from the department director can request a hearing to be conducted in private unless the insurer requests a public hearing.

Risk-based capital (RBC) reporting requirements for property and casualty insurance companies are revised to allow the department to require a property and casualty insurance company to take action if its risk-based capital fails the National Association of Insurance Commissioners (NAIC) RBC trend test. The RBC trend test for property and casualty insurance companies is specified as a company action level event where the insurer has total adjusted capital which is greater than or equal to its Company Action Level RBC but less than the product of its Authorized Control Level RBC and 3.0 triggers the trend test determined in accordance with the trend test calculation included in the Property and Casualty RBC report instructions. Risk-based capital tests the adequacy of an insurance company's capital to meet the risks posed by its investment portfolio and the types and volume of insurance it underwrites by comparing its actual capital to the minimum capital amount determined necessary to operate the insurance company based on the risk factors associated with the volume and type of insurance it transacts and the type of investments it makes.

INSURERS SUPERVISION, REHABILITATION AND LIQUIDATION ACT (Sections 375.1152, 375.1155, and 375.1191)

The bill changes the laws regarding the Insurers Supervision, Rehabilitation and Liquidation Act to provide for the treatment of qualified financial contracts in insurance insolvency proceedings. The bill:

(1) Defines "qualified financial contract," commonly used in the financial market, as a commodity contract and forward contract and "netting agreement" as a contract or agreement that documents one or more transactions between the parties to the agreement for or involving one or more qualified financial contracts and that provides for the netting, liquidation, setoff, termination, acceleration, or closeout under or in connection with one or more qualified financial contracts or present or future payment or delivery obligations or payment of delivery entitlements thereunder among the parties to the netting agreement;

(2) Allows for the enforcement and recognition of the contractual rights of the insurer's counterparties under qualified financial contracts, netting agreements, and related

security agreements to terminate, liquidate, accelerate, or close out contracts; to offset and net off obligations owed under contracts; and to enforce any security rights under the agreements, free of any stay or prohibition that might otherwise apply under a delinquency proceeding;

(3) Requires any net or settlement amount owed under a qualified financial contract by the nondefaulting party to an insurer to be transferred to or on the order of the receiver for the insurer;

(4) Requires a receiver to transfer all netting agreements and qualified financial contracts between an insurer and a single counterparty and its affiliates together if a bulk transfer of insurer liabilities or contracts is made by the receiver;

(5) Prohibits a receiver from avoiding a transfer of money or property under a netting agreement or qualified financial contract made prior to the commencement of a formal delinquency proceeding unless the transfer was made with the intent to hinder, delay, or defraud the insurer, a receiver appointed for the insurer, or existing or future creditors; and

(6) Requires the receiver for the insurer to disaffirm or repudiate all contracts if the receiver disaffirms or repudiates any qualified financial contract or netting agreement with a counterparty and establishes the amount of the counterparty's claim in the event of disaffirmance or repudiations. The amount of a claim for damages must be the actual direct compensatory damages determined as of the date of the disaffirmance or repudiation of the netting agreement or qualified financial contract.

SALE OF CERTAIN FINANCIAL PRODUCTS AND PLANS ASSOCIATED WITH LOAN TRANSACTIONS (Sections 408.052, 408.140, 408.233, and 408.300)

A lending institution is allowed to offer, sell, and finance automobile club memberships, certain service contracts, and vehicle protection devices issued by providers, and other plans and services providing a benefit to the borrower if the cost is disclosed separately from the loan contract, the lender does not require the purchase of the plan as a condition for the approval of the loan, the plan can be canceled within 30 days and a refund received, and the plan has a separate written acknowledgment of the intent to purchase the plan by the customer. However, no plan may include reimbursement for a deductible on a property insurance claim, and all optional products must be clearly identified as optional.

The sale of a deficiency waiver addendum, guaranteed asset protection, or a similar product purchased as part of a loan transaction with collateral and at the borrower's consent is authorized if the cost of the product is disclosed in the loan contract, is reasonable, and meets specified requirements. A debtor may cancel an addendum, protection, or other similar product within 15 days of its purchase and must receive a full refund or a refund adjusted by the pro rata method if terminated after 15 days.

CCS HCS SB 791 -- UTILITIES

This bill changes the laws regarding utilities. In its main provisions, the bill:

- (1) Allows a majority of the remaining members in office of the board of trustees of a common sewer district to fill a vacancy on the board if the county governing body fails to fill the vacancy within 60 days of receiving written notice of the vacancy. Trustees for a common sewer district may also appoint members to a sewer subdistrict's advisory board if the positions are not filled by a county or political subdivision within 60 days of receiving a written request;
- (2) Increases, from eight to 10, the number of members on the sewer district boards of trustees in the counties of Cass and Jackson. Each board will consist of the county executive, mayors of the five largest-user cities, mayors of three other cities who are members of the sewer district advisory board, and one member of the county legislature. In the event the district extends its boundaries into a bordering county, the presiding commissioner or county executive of the bordering county will become the eleventh member of the board;
- (3) Specifies the procedures for providing sewer service in a third classification county when a city and a sewer district cannot reach an agreement on the provision of these services. Currently, the City of Poplar Bluff and sewer districts in Butler County are allowed to develop agreements to provide sewer services;
- (4) Allows a board member to serve in multiple positions on a common sewer subdistrict advisory board if the board consists of less than three members;

(5) Allows a sewer district to make and collect charges for sewer services, including tap-on fees;

(6) Requires a private water company or public water supply district to provide water service data to sewer districts. Currently, water districts are required to provide this data to cities, towns, and villages in order to calculate rates for service;

(7) Requires a small utility whenever it decides to sell or otherwise dispose of its water or sewer system to a large public utility to authorize an appraisal of the system and set a date that the appraisal is due by ordinance, resolution, or board action;

(8) Requires the appraisal to be performed by three disinterested individuals who are certified general appraisers under Chapter 339. One will be appointed by the small utility, one by the large public utility, and one by the two appraisers appointed by the utilities;

(9) Requires the appraisers to jointly prepare an appraisal of the fair market value of the system and return the appraisal, in writing, to the small and large public utilities by the required due date. If all three appraisers cannot agree on the appraised value, an appraisal signed by two of them will constitute a valid appraisal;

(10) Allows either utility, after receiving the appraisal, to decline to proceed with the sale or disposition; and

(11) Specifies that the purchase price or the appraised value of the system, whichever is less, and the transaction, closing, and transition costs incurred by the large public utility will be the ratemaking rate base for the small utility as incorporated into the ratemaking rate base of the district designated by the large public utility. If the small utility is governed by the commission, the commission may establish a rate base in its order authorizing the acquisition of the small utility. The criteria for selecting a rate base are specified in the bill. Large water public utilities will bear responsibility for past due fees to the state of small utilities that they acquire. The commission will provide a plan to resolve all outstanding compliance issues when a large and small water utility merge. The provisions relating to the merger of large and small water utilities will not be interpreted to apply to other utilities regulated by the Missouri Public Service Commission.

SS SCS SB 793 -- ABORTION

This bill specifies that except in the case of a medical emergency, abortions cannot be performed or induced without the voluntary, informed, and uncoerced consent of the woman at least 24 hours prior to the abortion. The physician performing or inducing the abortion must provide orally and in writing:

- (1) The physician's name;
- (2) Medically accurate information including a description of the proposed abortion method, the medical risks, alternatives to the abortion, and follow-up care information;
- (3) The gestational age of the unborn child; and
- (4) The anatomical and physiological characteristics of the unborn child.

The physician performing or inducing the abortion or a qualified professional must:

(1) Provide the pregnant woman with printed materials from the Department of Health and Senior Services that describe the anatomical and physiological characteristics of the unborn child's brain and heart functions, extremities, and internal organs; various methods of abortion and the risks associated with each method; the possibility of causing pain to the unborn child; alternatives to abortion; and that the father of an unborn child is liable to provide child support, even if he has offered to pay for an abortion. The materials must be available from the department by November 30, 2010, and must be legible, objective, unbiased, and scientifically accurate. All information provided to the pregnant woman must be given to her in a private room to ensure privacy, confidentiality, and no fear of coercion. If needed, an interpreter will be provided. All information must be provided at least 24 hours before payment for an abortion can be accepted;

(2) Provide the woman at least 24 hours prior to the abortion with a geographically indexed list maintained by the department of health care providers, facilities, and clinics where she would have an opportunity to view an ultrasound and hear the heartbeat of the unborn child. The list is to indicate those that provide the services free of charge;

(3) Explain that she is free to withhold or withdraw her consent to the abortion at any time without fear of losing treatment and assistance benefits; and

(4) Prominently display statements encouraging a pregnant woman seeking an abortion to contact agencies that help women carry an unborn child to full term.

The woman must certify in writing on a checklist form provided by the department that she has received all of the required materials; had an opportunity to view an active ultrasound image of the unborn child and hear the heartbeat; and given her voluntary and informed consent, freely and without coercion, to the abortion procedure. No abortion will be performed or induced on an unborn child of 22 weeks gestational age or older unless the mother is given the opportunity to have a pain alleviating drug administered to the child. The physician must retain a copy of the form in the patient's medical record.

In the event of a medical emergency that results in an abortion, the physician must certify in writing the nature and circumstances of the emergency; and the certification must be kept in the abortion-performing facility's permanent file for seven years.

The department must maintain a toll-free, confidential, 24-hour hotline telephone number for callers to obtain regional information about abortions, risks, and alternatives to an abortion and make the information available on the department's web site.

Only licensed physicians can perform or induce an abortion. Anyone violating this provision will be guilty of a class B felony.

Health insurance exchanges established or operating in Missouri or any exchange administered by the federal government or its agencies are prohibited from offering health insurance contracts, plans, policies, or optional riders that provide coverage for elective abortions.

CCS HCS SB 795 -- ANIMALS AND AGRICULTURE

This bill changes the laws regarding animals and agriculture.

ANHYDROUS AMMONIA

The Department of Agriculture is required to adopt the American National Standards Institute minimum general safety standards for the storage and handling of anhydrous ammonia, except that the department must not adopt the standards prior to December 1, 2015. The provision of the bill regarding the storage of anhydrous ammonia will not apply to any storage equipment in use as of August 28, 2010, and which is found by the department to be in substantial compliance with generally accepted standards of safety regarding life and property.

WILD AND FERAL SWINE

The bill changes the laws regarding wild or feral swine. The Director of the Department of Agriculture must establish rules regarding the fencing and health standards for Russian and European wild boars or wild-caught swine held alive on private land. Any person holding these swine on private land must annually obtain a permit from the department. The capture and possession of feral hogs on public land and the transport of live Russian and European wild boars or wild-caught swine through or on public land without a permit is prohibited. The transport of live Russian and European wild boars or wild-caught swine for any purpose other than to slaughter or to move to another farm requires a permit from the department unless the transporter is issued an exemption permit by the department. Any person in violation of these provisions will be guilty of a class A misdemeanor and may be assessed an administrative penalty of up to \$1,000 per violation.

Any person who recklessly or knowingly releases any swine on public or private land to live in a wild or feral state without adequate fencing will be guilty of a class A misdemeanor and will be subject to an administrative penalty of \$1,000 for each swine released for the first offense. Anyone who has previously pled guilty to or been found guilty of violating this provision on two separate occasions within 10 years of the first violation will be guilty of a class D felony and may be assessed an administrative penalty of up to \$1,000 per violation.

The Animal Health Fund is created which will consist of all administrative penalties and fees collected by the department under these provisions. Moneys appropriated from the fund must be used to administer these provisions.

These provisions do not apply to domestic swine.

LICENSURE AND REGULATION OF ANIMAL CARE FACILITIES

The bill changes the laws regarding the Animal Care Facilities Act. The bill:

- (1) Removes the exemption for animal shelters from the required annual licensure fee; and
- (2) Prohibits the Department of Agriculture from retaining, contracting with, or otherwise utilizing the services of the personnel of any nonprofit organization for the purpose of inspecting or licensing a shelter, pound, kennel, breeder, pet shop, or any animal care facility subject to the provisions of the act.

PESTICIDE FEES AND AGRICULTURE PROTECTION FUND

The bill increases the fee for registering a pesticide from \$15 per year with a late charge of \$5 assessed for any pesticide not registered by January 1 to \$150 per year with a late charge of \$50 assessed for any pesticide not registered by January 1 to be deposited into the newly created Agriculture Protection Fund. Fees are to be used solely to administer the pest and pesticide programs of the Department of Agriculture. If funding exceeds the reasonable cost of administering the programs for which the fees were collected, the department is required to set reduced fees for pesticide registration.

The fund will also consist of all fees collected and assessed by the department which are not already credited to a program-specific purpose. Fees related to egg licenses, the sale of wine, and pesticide registration are specifically directed to the fund. The fund must be used by the department for functions and responsibilities relating to the programs from which the fees are collected, except for the fees collected for the privilege of selling wine which are to be used solely for agricultural business development and marketing-related functions of the department.

BLASTING SAFETY

Individuals using explosives along with a well screen cleaning device for the purpose of unblocking clogged agricultural irrigation well screens located within the Southeast Missouri Regional Water District are added to the list of individuals who are exempt from the requirements to obtain a blaster's license.

LARGE CARNIVORE ACT

The Large Carnivore Act is established which prohibits, beginning January 1, 2012, any person from owning or possessing, breeding, transferring ownership or possession, or transporting a large carnivore unless he or she has a permit. "Large carnivore" is defined as any of the following large cats of the Felidae family that are nonnative to this state held in captivity including: tiger, lion, jaguar, leopard, snow leopard, clouded leopard, and cheetah, including a hybrid cross with these cats, excluding any unlisted nonnative cat, or any common domestic or house cat or any species of bear that is nonnative to this state and held in captivity. The Division of Animal Health within the Department of Agriculture is required to implement and enforce the provisions of the bill. Certain requirements regarding the care and control of a large carnivore are specified.

Any person who owns or possesses a large carnivore is liable in a civil action for the death or injury of a human or another animal and for any property damage caused by the large carnivore. If a large carnivore escapes or is released, intentionally or unintentionally, the owner is required to immediately notify law enforcement and is liable for all expenses associated with the efforts to recapture the large carnivore. The owner is required to maintain liability insurance in an amount of not less than \$250,000 and annually provide verification to the department. An application for a permit is to be accompanied by a fee not to exceed \$2,500 for each large carnivore with an annual renewal fee not to exceed \$500 as established by the department to offset the costs to enforce the provisions of the act. The Large Carnivore Fund is created for the deposit of moneys collected under these provisions for the administration of the act.

The specified requirements are in addition to any applicable state or federal law and do not preclude any local political subdivision from adopting more restrictive laws. Certain entities, law enforcement officers, animal control officers, veterinarians, and department employees are exempt from the provisions of the act.

Any person violating these provisions will be guilty of a class A misdemeanor. Any person who intentionally releases a large carnivore will be guilty of a class D felony. Violators may be required to do community service work or lose the privilege of owning any animal.

RENEWABLE ENERGY STANDARD

Currently, the Missouri Public Service Commission and the Department of Natural Resources are required to make rules to satisfy the provisions of the Renewable Energy Standard, commonly known as Proposition C, passed by voters in November 2008. The bill revises the definition of "renewable energy resources" to include methane from agricultural operations and thermal depolymerization or pyrolysis for converting waste material to energy. The commission and the department must include methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources as it relates to the production requirements of the standard.

NONPROFIT COOPERATIVE MARKETING ASSOCIATIONS

The bill specifies that a nonprofit cooperative marketing association which pays an annual fee of \$10 in lieu of certain taxes will not be required to pay state sales taxes.

DRAINAGE AND LEVEE DISTRICTS

The bill specifies that the provisions of the Farmland Protection Act regarding charges for sewer and water line installation do not apply to any drainage or levee district.

The bill contains an emergency clause for the provisions regarding nonprofit cooperative marketing associations.

SCS SB 808 -- PUBLIC ADMINISTRATORS' CONTINUING EDUCATION REQUIREMENTS

This bill specifies that the required continuing instruction for public administrators in certain counties of the first classification does not have to be classroom instruction in order for them to receive compensation.

A public administrator from a second, third, or fourth classification county or St. Louis City who chooses to receive an annual salary will receive \$2,000 of his or her salary only if he or she has completed at least 20 hours of instruction each year that has been approved by a professional association of the county public administrators of Missouri unless the public administrator is exempted from the training by the association. The association approving the program must provide a certificate

of completion for the training program and send a list of certified public administrators to the treasurer of each county. Public administrators will be reimbursed for expenses incurred for attending the training in the same manner as other expenses.

SCS SB 834 -- LIQUIDATION OF CERTAIN DOMESTIC INSURANCE COMPANIES

This bill allows a domestic insurance company that is organized as a stock insurance company to voluntarily dissolve and liquidate as a corporation if the Director of the Department of Insurance, Financial Institutions and Professional Registration approves the articles of dissolution prior to filing the articles with the Secretary of State and the company files a copy of the director's approval along with the articles of dissolution with the Secretary of State.

In determining whether to approve a dissolution, the department director must consider whether the insurers' annual financial statements show no written insurance premiums for five years, the insurer has demonstrated that all policyholder claims have been satisfied or transferred to another insurer, and an examination pursuant to Sections 374.202 - 374.207, RSMo, has been completed within the last five years.

CCS HCS SCS SB 842, 799 & 809 -- CERTAIN STATE HEALTH CARE PROGRAMS

This bill changes the laws regarding certain programs operated by the departments of Social Services and Health and Senior Services.

HEALTH CARE PROVIDER TAX (Sections 208.453, 660.425, 660.430, 660.435, 660.445, 660.455, 660.460, and 660.465)

The bill removes public hospitals which are operated primarily for the care and treatment of mental disorders from exemption of a federal reimbursement allowance.

MO HealthNet in-home services providers are no longer exempt from the in-home provider tax assessed by the Department of Social Services. The expiration date for the tax is extended from September 1, 2011, to September 1, 2012.

MO HEALTHNET PROGRAM (Sections 208.010, 208.152, 208.215, 208.895, and 660.300)

The MO HealthNet Program will be exempt from paying Medicare Part B deductible and co-insurance amounts for outpatient hospital services but is required to provide two visits for newly diagnosed diabetics for diabetic education and initial diabetic management training services.

When a MO HealthNet recipient also has a third-party insurer, the third-party administrator, administrative service organization, and pharmacy benefits manager must process and pay all properly submitted medical assistance subrogation claims for up to three years from the date of the services, unless MO HealthNet does not evoke its right to the claim within six years after the claim is submitted. The computerized records of the MO HealthNet Division, certified by the division director or his or her designee, will be prima facie evidence of proof of moneys expended and the amount due the state.

The Department of Health and Senior Services may contract with an independent third party for initial home and community-based assessments. The contract must include:

(1) A requirement that the assessment be conducted by the third-party assessor face-to-face with the patient and an assessment by telephone is not permitted. The contractor must notify the referring entity within five days of receipt of referral if additional information is needed. The contract must also include the same requirements for the assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. Reassessment visits conducted by a nurse must be reviewed and approved by the independent third-party assessor; and

(2) An assessment of needed care and a plan of care by the contractor within 15 days of receipt of a referral for service.

Currently, all in-home services clients must be advised of their rights by the Department of Health and Senior Services, including the right to call the department to report dissatisfaction with the provider or services. The bill specifies that the department's designee can give the notification and that the department may contract for services relating to receiving complaints.

TELEPHONE TRACKING SYSTEM (Sections 208.905, 208.918, and 660.023)

By July 1, 2015, all personal care service vendors must have, maintain, and use a telephone tracking system to report and verify the delivery of consumer-directed care services as authorized by the Department of Health and Senior Services to ensure accurate billing. The department, in collaboration with other appropriate agencies including centers for independent living, must establish a telephone tracking system pilot project in an urban and a rural area. The department must submit a report by December 31, 2013, to the Governor and General Assembly detailing the outcomes of these pilot projects.

In order to be a department-contracted vendor, the vendor must be able to provide fiscal conduit services through a telephone tracking system by July 1, 2015.

By July 1, 2015, all in-home service provider agencies must have, maintain, and use a telephone tracking system to report and verify the delivery of home and community-based services as authorized by the department.

PHYSICIAN REIMBURSEMENT RATES (Section 208.198)

Subject to appropriations, the Department of Social Services must establish reimbursement rate for services rendered by physicians and optometrists to MO HealthNet Program participants which provides equal reimbursement for the same or similar services.

The provisions of the bill regarding the MO HealthNet Program expire three years from the effective date.

CCS#3 HCS#2 SB 844 -- ETHICS

This bill changes the laws regarding ethics. In its main provisions, the bill:

(1) Requires the Commissioner of the Office of Administration to provide a key that accesses the State Capitol dome to each member of the General Assembly. The President Pro Tem of the Senate and the Speaker of the House of Representatives must provide a training program, in consultation with the Office of

Administration and the Department of Public Safety, regarding access to secured areas of the State Capitol Building;

(2) Allows a statewide elected official to request a determination of the lowest and best bidder regarding a contract for purchasing, printing, or services from the Office of Administration which must respond to the elected official within 45 days after the submission of the request. The official must provide information deemed necessary for the evaluation. The Office of Administration cannot prevent any state agency or other state entity from purchasing supplies from an authorized General Services Administrator vendor if the contract does not exceed the competitive bid limits in Section 34.040, RSMo;

(3) Specifies that the crime of bribery of a public servant includes when a statewide elected official, member of the General Assembly, or agent of the official makes an offer of paid employment in exchange for an official vote on a public matter by the statewide official or member of the General Assembly. The crime of acceding to corruption under Section 576.020 includes when a statewide elected official or member of the General Assembly accepts an offer of paid employment in exchange for an official vote on a public matter;

(4) Requires all appointees before being confirmed by the Senate to disclose, within 30 days of the submission of their name to the Governor, their political contributions for the four-year period prior to the appointment. The Missouri Ethics Commission will provide financial information to appointees so that it can be provided to the President Pro Tem of the Senate;

(5) Requires lobbyists to report expenditures when all members of a body are invited in writing. The bodies for which reporting is required may or may not include staff but will include statewide officials;

(6) Specifies that a lobbyist found to knowingly omit, conceal, or falsify information required on the monthly lobbyist report will be guilty of a class A misdemeanor;

(7) Allows the commission to investigate complaints of lobbying, financial interest statement, campaign finance, violations of the laws regarding public officials, and departmental code violations of its own volition if all six members of the commission vote to conduct an investigation. The executive director may issue subpoenas if granted authority by the commission. Procedures for conducting investigations, confidentiality requirements, and using special investigators are specified in the bill. Notice of

an investigation must be provided within five days to the person being investigated. If no reasonable grounds to pursue a complaint are found, an investigation will be terminated and the person under investigation notified of that disposition. A de novo appeal of a commission decision unrelated to the referral of criminal charges will be allowed in the circuit court of Cole County. Procedures for these appeals are specified in the bill;

(8) Increases the late filing fee for campaign disclosure reports from \$10 to \$50 per day not to exceed a total of \$3,000. The commission may collect judgments using garnishments and other legal methods. An appeals process for individuals and lobbyists charged with late fees regarding expenditure reports and various disclosure statements is specified in the bill;

(9) Prohibits a party nominating committee from selecting a candidate for an office if the candidate had previously been disqualified for an office on the primary election ballot;

(10) Revises the definition of a "political party committee" to include only one Congressional district committee per political party for each Congressional district in the state and one state party committee per political party. Legislative and senatorial district committees are no longer defined by statute;

(11) Revises the definition of "continuing committee" as political action committee and allows a committee to receive contributions from individuals, corporations and other partnerships, unions, and federal political action committee but may not receive funds from other state political action committees, political party committees, candidate committees, campaign committees, exploratory committees, or debt service committees. Donations from political action committees made to other committees may be returned. Prohibited transfers between political action committees will not apply to transfers to the designated state house committee per political party or the designated state senate committee per political party. The floor leader of the majority and minority party, or the chair of the state party for third parties, will designate these exempted committees;

(12) Creates the crime of transfer of committee funds with the intent to conceal the source of the original funds from the commission. A first violation requires the restitution of the misappropriated funds within 10 days of notification by the commission. A second violation will be a class C misdemeanor, and a third or subsequent violation will be a class D felony;

(13) Requires campaign financial disclosure reports to be filed electronically with the commission starting January 1, 2011;

(14) Removes the requirement that deputy treasurers be a resident of the county or district where his or her committee sits. A person may not form a committee or serve as a deputy treasurer on a committee unless he or she has filed all required disclosure reports and statements of limited activity and paid all outstanding fees owed to the commission. No person may file to run for office or assume office if he or she is a treasurer or deputy treasurer of a committee and has not paid all fees assessed by the commission;

(15) Requires the Governor, legislators, and statewide elected officials and candidates for these offices to report contributions exceeding \$500 within 48 hours during the legislative session and periods in which legislation awaits gubernatorial action; and

(16) Creates the crime of obstruction of an ethics investigation, a class A misdemeanor. A person who knowingly confers or accepts anything of benefit to any person in direct exchange for that person's concealing or withholding any information concerning a violation of the provisions regarding conflicts of interest and lobbying or the provisions regarding campaign finance disclosures or makes or submits a false statement or submits inaccurate documentation to any commission member or employee or to any investigating official will be guilty of the crime. Retraction of the false statement, writing, or documentation is a defense in certain specified circumstances.

HCS SB 851 -- NOTICE REQUIREMENTS FOR CERTAIN PUBLIC MEETINGS

This bill requires the governing body of any county, city, town, or village or any entity created by these political subdivisions to give notice four business days prior to voting and hold a public meeting to allow public comment on an issue involving the implementation of a tax increase, a retail development project which utilizes the power of eminent domain, creation of a transportation development or community improvement district, or the approval of a redevelopment plan that pledges public funds as financing for the project or plan. If proper notice is not given, no vote can be taken until the proper notice has been given. Any legal action challenging the notice requirements must be filed within 30 days or the meeting will be deemed to have been properly noticed and held. These provisions will not apply

to any votes or discussions related to proposed ordinances that require a minimum of two separate readings on different days for passage; and a tax increase under these provisions will not include the setting of the annual tax rates under Sections 67.110 and 137.055, RSMo.

SS SCS SB 884 -- TOBACCO REGULATIONS

This bill changes the laws regarding tobacco regulations. In its main provisions, the bill:

(1) Requires every tobacco product manufacturer whose cigarettes are sold in Missouri to certify to the Director of the Department of Revenue by April 30 of each year that it is in compliance with the Tobacco Master Settlement Agreement. A participating tobacco manufacturer must include in its certification a list of its brand families and update the list 30 days prior to any addition to or modification of its brand families by a supplemental certification. A nonparticipating manufacturer must include in its certification a list of all of its brand families and the number of units sold for each brand family that was sold in the state during the preceding calendar year indicating any brand family that is no longer being sold in the state as of the date of the certification and the name and address of any other manufacturer of the brand families in the preceding or current year. The nonparticipating manufacturer must update the list 30 days prior to any addition to or modification of its brand families by a supplemental certification. A nonparticipating manufacturer must also certify that it is registered to do business in the state or has appointed an agent within the state for the service of process regarding the enforcement of the provisions of the bill, that it is in full compliance with the provisions regarding the master agreement, and specified information regarding its financial transactions;

(2) Requires, on or after January 1, 2011, the department director to issue, maintain, update when necessary, make available for public inspection, and publish on its web site a directory listing all tobacco product manufacturers that have provided current and accurate certifications in compliance with the requirements of the bill and all brand families listed in the certifications with certain specified exceptions;

(3) Requires the department director and the Attorney General to share with each other any information received under the provisions of the master agreement;

(4) Allows the Attorney General, on behalf of the department director, to seek an injunction to restrain a threatened or actual violation of certain provisions;

(5) Requires a stamping agent, who affixes tax stamps to cigarette packages, to submit an electronic mail address to the department director for the receipt of required notifications;

(6) Allows the seizure and forfeiture of cigarettes deemed by a court of competent jurisdiction to have been sold, offered for sale, or possessed for sale in violation of the provisions of the bill. The state may also recover the costs of investigating and litigating a violation; and

(7) Specifies the penalties for a violation of the provisions of the bill including suspension of the license of a stamping agent and a class A misdemeanor offense for a violation of various transactions involving contraband cigarettes. Monetary penalties will be deposited into the newly created Tobacco Control Special Fund to be used to enforce the provisions of the bill.

The bill contains an emergency clause.

SS SB 928 -- SALES TAX COLLECTIONS

This bill changes the laws regarding sales tax collections. In its main provisions, the bill:

(1) Clarifies that certain purchases made for resale are not to be considered as retail for sales and use tax purposes when the subsequent sale is taxed in the state or another state, is for resale, is excluded from tax, is subject to tax but is exempt, or is exempt in another state where the subsequent sale occurs;

(2) Clarifies that operators of amusement parks and places of entertainment or recreation, including games or athletic events, must charge sales taxes on the amount of gross receipts charged for admission, but any subsequent sale of the admissions or seating accommodations will not be subject to the taxes if it was an arms length transaction for fair market value with an unaffiliated entity and clarifies that operators of hotels, motels, taverns, restaurants, drugstores, dining cars, tourist camps, or similar businesses must charge sales taxes on the amount of gross receipts charged for all rooms, meals, and drinks furnished at the establishment, but any subsequent sale of those same rooms, meals, and drinks is exempt from sales and use taxes

if it was an arms length transaction for fair market value with an unaffiliated entity; and

(3) Exempts from state and local sales and use taxes the sales of sporting clays, wobble, skeet, and trap targets to a shooting range or similar business for use in the normal course of business as well as moneys received by a shooting range or a similar business from patrons and held for redistribution to patrons at the conclusion of a shooting event.

The bill contains an emergency clause.

HCS SB 940 -- BINGO

This bill changes the laws regarding bingo. In its main provisions, the bill:

(1) Defines a "bingo card monitoring device" as a technology aid which allows a bingo player to enter bingo numbers as they are announced that marks or otherwise conceals those numbers which are electronically stored in and displayed on the device and does not include any device into which currency, coins, tokens, or electronic funds transfer may be inserted or be dispensed or is capable of communicating with any other bingo card monitoring device or any other form of electronic device or computer. A bingo game is allowed to be conducted by a device if it has been approved by the Missouri Gaming Commission;

(2) Allows an organization with an abbreviated bingo license to conduct bingo games up to 15 times annually at which only pull-tab cards may be used. Currently, the limit is up to four times annually;

(3) Requires all organizations licensed to conduct bingo games to pay a \$50 annual license fee. Currently, certain licensed organizations are required to pay a \$10 annual license fee;

(4) Authorizes the commission to establish by regulation the maximum daily prize amount for nonprogressive bingo games. Currently, the aggregate retail value, except for pull-tab cards and progressive bingo games, in a single day of bingo cannot exceed \$3,600 and the prizes for any one game, other than a progressive bingo game, cannot exceed \$500; and no more than one \$500 prize, other than prizes in progressive bingo games, can be awarded on any single day of bingo;

(5) Repeals the provision allowing a licensee to require a player to purchase more than a standard pack of bingo cards in order to participate in a bingo game;

(6) Allows a licensee to conduct bingo games twice a week instead of once a week;

(7) Increases the amount which may be used for advertising from up to 2% to up to 10% of the total amount expended from bingo receipts;

(8) Repeals the provision which prohibits a licensee from referencing the aggregate value of bingo prizes in an advertisement;

(9) Prohibits a bingo game from being conducted between 1:00 a.m. and 7:00 a.m. Currently, a game cannot be conducted between midnight and 10:00 a.m.;

(10) Requires a licensee who conducts bingo or pull-tab activities on more than three occasions in any calendar year to make quarterly reports to the commission. Currently, certain licensees are required to report annually;

(11) Changes the record retention requirement of a bingo licensee from three to two years except for those records stipulated for one-year retention by regulation;

(12) Increases the one-time application fee for a manufacturer's license from an amount not to exceed \$1,000 to an amount not to exceed \$5,000 and the renewal fee from an amount not to exceed \$500 to an amount not to exceed \$1,000; and

(13) Requires the applicant for a supplier's or manufacturer's license to be responsible for the total cost of a criminal history investigation incurred by the commission.

HCS SCS SB 942 -- ANNEXATIONS BY CERTAIN CITIES

This bill allows a municipality to annex a parcel of land within a research, development, or office park project located in an unincorporated area of the county if the parcel is compact and contiguous to the existing boundaries of the municipality and the municipality obtains the written consent of all the property owners within the unincorporated area of the parcel.

The City of Byrnes Mill is prohibited from annexing any property adjacent to the city if there are no registered voters residing on the property unless the city has obtained the written consent of all the property owners within the adjacent property.

SB 981 -- SALES TAX FOR PUBLIC SAFETY

This bill authorizes the City of Kansas City to impose, upon voter approval, a sales tax of one-eighth, one-fourth, three-eighths, or one-half of 1% for public safety activities, including operations and capital improvements, and for the retirement of bonded indebtedness.

SS SB 984 -- EXCURSION GAMBLING BOATS

Currently, tokens, chips, and other forms of credit can only be used for wagering or for an exchange of money on excursion gambling boats. This bill allows these items to be used to purchase food or beverages on the excursion gambling boat.

SB 987 -- UNIVERSITY OF MISSOURI SPINAL CORD RESEARCH GRANTS

Currently, the maximum amount that the University of Missouri Board of Curators may annually award for an individual grant for the investigation of spinal cord injuries and other specific disease processes is \$50,000. This bill raises the amount to \$250,000.

CCS HCS SS SB 1007 -- CERTAIN STATE PROGRAMS

This bill changes the laws regarding certain programs operated by the departments of Social Services and Health and Senior Services.

HOME AND COMMUNITY-BASED SERVICES (Section 198.016, RSMo)

Prior to admission of a MO HealthNet individual into a long-term care facility, a prospective resident or his or her next-of-kin, legally authorized representative, or designee must be informed of the home and community-based services available to him or her.

A decline of these services by the prospective resident must be on record.

CARE OF TUBERCULOSIS PATIENTS (Sections 172.850, 199.010, 199.200, 199.210, 199.230, 199.240, 199.250, and 199.260)

The Missouri Rehabilitation Center directed by the University of Missouri, under order and appropriation of the General Assembly, must provide care for head injury patients but is no longer required to provide treatment for persons with tuberculosis. The Department of Health and Senior Services must provide treatment to tuberculosis patients at the center. An individual granted an ex parte petition for emergency temporary commitment and an individual considered to be a public health danger will be committed to a facility chosen by Department of Health and Senior Services instead of the University of Missouri. The department may contract with the center to provide treatment to tuberculosis patients, except that the contract will be exempt from the competitive bidding requirements of Chapter 34. The state payment will be available only after benefits from all third-party payees have been exhausted.

HEALTH CARE PROVIDER TAX (Sections 208.453, 660.425, 660.430, 660.435, 660.445, 660.455, 660.460, and 660.465)

The bill removes public hospitals which are operated primarily for the care and treatment of mental disorders from exemption of a federal reimbursement allowance.

MO HealthNet in-home services providers are no longer exempt from the in-home provider tax assessed by the Department of Social Services. The expiration date for the tax is extended from September 1, 2011, to September 1, 2012.

MO HEALTHNET PROGRAM (Sections 208.010, 208.152, 208.215, 208.895, and 660.300)

The MO HealthNet Program will be exempt from paying Medicare Part B deductible and co-insurance amounts for outpatient hospital services but is required to provide two visits for newly diagnosed diabetics for diabetic education and initial diabetic management training services.

When a MO HealthNet recipient also has a third-party insurer, the third-party administrator, administrative service organization, and pharmacy benefits manager must process and pay all properly submitted medical assistance subrogation claims for up to three years from the date of the services, unless MO HealthNet does not

evoke its right to the claim within six years after the claim is submitted. The computerized records of the MO HealthNet Division, certified by the division director or his or her designee, will be prima facie evidence of proof of moneys expended and the amount due the state.

The Department of Health and Senior Services may contract with an independent third party for initial home and community-based assessments. The contract must include:

(1) A requirement that the assessment be conducted by the third-party assessor face-to-face with the patient and an assessment by telephone is not permitted. The contractor must notify the referring entity within five days of receipt of referral if additional information is needed. The contract must also include the same requirements for the assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. Reassessment visits conducted by a nurse must be reviewed and approved by the independent third-party assessor; and

(2) An assessment of needed care and a plan of care by the contractor within 15 days of receipt of a referral for service.

Currently, all in-home services clients must be advised of their rights by the Department of Health and Senior Services, including the right to call the department to report dissatisfaction with the provider or services. The bill specifies that the department's designee can give the notification and that the department may contract for services relating to receiving complaints.

TELEPHONE TRACKING SYSTEM (Sections 208.905, 208.918, and 660.023)

By July 1, 2015, all personal care service vendors must have, maintain, and use a telephone tracking system to report and verify the delivery of consumer-directed care services as authorized by the Department of Health and Senior Services to ensure accurate billing. The department, in collaboration with other appropriate agencies including centers for independent living, must establish a telephone tracking system pilot project in an urban and a rural area. The department must submit a report by December 31, 2013, to the Governor and General Assembly detailing the outcomes of these pilot projects.

In order to be a department-contracted vendor, the vendor must be able to provide fiscal conduit services through a telephone tracking system by July 1, 2015.

By July 1, 2015, all in-home service provider agencies must have, maintain, and use a telephone tracking system to report and verify the delivery of home and community-based services as authorized by the department.

CHILD CARE SUBSIDIES

By July 1, 2010, the Children's Division within the Department of Social Services is required to develop rules to modify the income eligibility criteria for any person receiving state-funded child care assistance, either through vouchers or direct reimbursement to child care providers. Subject to appropriations, child care recipients may pay a fee based on adjusted gross income and family size unit on a child care sliding fee scale established by the division. An individual receiving state-funded child care assistance whose income surpasses the annual appropriation level may continue to receive reduced subsidy benefits on a scale established by the division, at which time the person will have assumed the full cost of the maximum based child care subsidy benefits. The sliding scale may be waived by the division for a child with special needs. The maximum payment by the division will be the applicable rate minus the applicable fee.

The provisions of the bill regarding the MO HealthNet Program expire three years from the effective date.